

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM No.365-CI of 2015 and
RFA No.179 of 2015 (O&M)
Date of decision: 28.8.2015

Hari Singh (deceased) through LRs and others

..... Appellants

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sonu Giri, Advocate, for
Mr. Sandeep Sharma, Advocate for the landowners.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

RAJESH BINDAL, J

By filing the present appeal, the landowners are seeking enhancement of compensation. Along with the appeal, an application seeking condonation of delay of 4,295 days in filing thereof, has also been filed.

Briefly, the facts of the case are that vide notification dated 22.7.1996, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire the land measuring 3.47 acres situated within the revenue estate of village Khandsa, Tehsil and District Gurgaon, for development and utilisation thereof as industrial, residential, roads and green belt areas Sector 37, Gurgaon. Notification under Section 6 of the Act was issued on 17.7.1997. The Land Acquisition Collector (for short, 'the Collector') vide award dated 30.12.1998 assessed compensation @ ₹ 7,05,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below vide award dated 6.1.2003 while relying upon its earlier award, assessed the market value of the acquired land @ ₹ 13,72,750/- per acre. It is this award which is impugned before this court by the landowners.

CM No.365-CI of 2015

Learned counsel for the applicants/appellants submitted that for filing the appeal before this Court, copy of the award of the court below was not supplied by the clerk of the counsel despite number of communications. The applicants/appellants were working out of station and were not able to approach the clerk of the counsel regularly. Due to this reason, delay of 4,295 days has occurred in filing the appeal. He further submitted that Hon'ble the Supreme Court in Imrat Lal and others vs Land Acquisition Collector and others 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LR.s. vs Haryana State and others 2015 (2) RCR (Civil) 507, has condoned the delay in filing the appeals, however, the interest for the period of delay was not awarded to the landowners. He submitted that delay in filing the appeal before this Court be condoned. The contention is that delay should not come in the way for granting substantial justice and the technicality should give way to substantial justice. The Court should be liberal in condoning the delay.

On the other hand, learned counsel for the State submitted that the reason given by the applicants/appellants is frivolous and vague and as such is not sufficient for condoning huge delay in filing the appeal. However, he could not cite any judgment taking a view contrary to the judgments referred to by learned counsel for the appellants.

RFA No.179 of 2015

Learned counsel for the landowners submitted that claim made in the present appeal is squarely covered by the judgment of this Court in R.F.A. No. 27 of 2003 –Smt. Vidhya and others vs. The State of Haryana and others, decided on 23.9.2014, whereby, compensation for the acquired land was assessed @ ₹ 20,66,000/- per acre

Learned counsel for the State did not dispute the aforesaid factual position.

Heard learned counsel for the parties and perused the paper book.

After hearing learned counsel for the parties and considering the judgments of Hon'ble the Supreme Court in Imrat Lal and Dhiraj Singh (D)'s cases (supra), the application for condonation of delay in filing the appeal is allowed. Delay in filing the appeal is condoned, subject to the condition that the appellants shall not be entitled to interest on the enhanced

compensation for the period of delay in filing the appeal.

Accordingly, for the reasons recorded in Smt.Vidhya's case (supra), the appeal filed by the landowners is disposed of in the same terms. However, the landowners shall not be entitled to interest for the period of delay in filing the appeal i.e. 4,295 days.

(RAJESH BINDAL)
JUDGE

28.8.2015

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