

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

**CM No. 1001/CI of 2015 and  
RFA No. 558 of 2015 (O&M)**

Date of decision : 29.6.2015

Mohinder Kumar Jain (deceased) through LR .. Applicant-appellant

versus

Haryana State Industrial  
Development Corporation and others .. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

Present: Mr. Anil Kumar Rana, Advocate, for the applicant-appellant.  
Mr. Pritam Saini, Advocate, for HSIIDC.  
Mr. Deepak Balyan, Additional Advocate General, Haryana.

**Rajesh Bindal, J.**

The landowner is in appeal seeking enhancement of compensation awarded to him by the learned court below for the acquired land. Along with the appeal, application seeking condonation of delay of 864 days in filing thereof has also been filed.

Briefly, the facts of the case are that State of Haryana vide notification dated 29.1.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land situated in villages Khandsa, Narsingpur, Mohammadpur Jharsa, Harsaru and Garauli Khurd, Tehsil and District Gurgaon for setting up of Industrial Complex to be planned and developed as Special Economic Zone ('SEZ') Phase-I. The same was followed by notification dated 28.1.2004, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 27.1.2006, assessed the market value of the acquired land of different villages at different rates. Aggrieved against the award of the Collector, the land owner filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, enhanced the compensation for the acquired land. The aforesaid

award has been impugned by the landowner in the present appeal seeking for further enhancement.

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Learned counsel for the applicant-appellant submitted that counsel for the claimant had informed the decision of the reference court by ordinary post, which she did not receive. It was further submitted that the applicant was under shock and mentally upset after the death of her husband. When she came to know about the decision of the reference court, the present appeal along with application seeking condonation of 864 days delay in filing thereof, has been filed. 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. LRs. 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 respondents submitted that the reason given by the appellant is frivolous and vague and as such is not sufficient for condoning huge delay in filing the appeal. However, they could not cite any judgment taking a view contrary to the judgments referred to by learned counsel for the appellant.

RFA No. 558/2015

Learned counsel for the appellant submitted that the claim made in the present appeal is squarely covered by judgments of this Court in RFA No. 2174 of 2012 - Smt. Savitri Devi vs The Land Acquisition Collector, Gurgaon and others, decided on 23.9.2014, and of Hon'ble the Supreme Court in Civil Appeal No. 3412 of 2015 Sachin and others vs State of Haryana and others, decided on 31.3.2015.

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

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 is allowed. The delay in filing the appeal is condoned, subject to the condition that the appellant 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. Savitri Devi and Sachin's cases (supra), the appeal is disposed of in the same terms. However, the landowner shall not be entitled to interest for the period of delay in filing the appeal i.e. 864 days.

29.6.2015  
vs

(Rajesh Bindal)  
Judge