

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

**CM No.8667-CI of 2016 in/and
RFA No.3158 of 2016 (O&M)
Date of Decision : 24.09.2016.**

Jagan Nath

.....Appellant

Versus

Xen. Department of UHBVN Ltd. and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Bhupander Ghanghas, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM No.8667-CI of 2016

This is an application for condonation of delay of 828 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 04.02.2016, rendered by this court in RFA No.266 of 2012 (Joginder Singh Tokash Vs. State of Haryana and others), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation, awarded to the landowners to ₹29,00,400/- per acre.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of respondents No.1 to 3 and Mr. Yogesh Chaudhary, Advocate accepts notice on behalf of respondent No.4.

The factual position, as set out above, is not disputed by learned counsel for the respondents.

I have heard learned counsel for the parties and perused the records.

In the wake of the decision of the Hon'ble Supreme Court in Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR

(Civil) 437 and Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 828 days in filing the accompanying appeal is condoned. However, for the period of delay the applicant shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

RFA No.3158 of 2016

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this court in Joginder Singh Tokash's case (supra), the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest for the period of delay in filing the appeal i.e. 828 days.

24.09.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No