

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

**CM No.8971-CI of 2016 in/and
RFA No.3283 of 2016 (O&M)
Date of Decision : 22.09.2016.**

Atish Aggarwal

.....Appellant

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Sanjay Jain, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM No.8971-CI of 2016

This is an application for condonation of delay of 561 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 05.08.2015, rendered by this court in RFA No.5605 of 2009 (State of Haryana Vs. Gurdeep Singh and another), vide which, in the appeals arising out of the same acquisition, this court had enhanced the compensation, awarded to the landowners to ₹879/- per square yard.

Notice in the application.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of the respondent.

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

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 561 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.3283 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 Gurdeep Singh'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. 561 days.

22.09.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No