

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.9441-CI of 2016 in/and
RFA No.3412 of 2016 (O&M)
Date of Decision : 06.12.2016.

Ashok Kumar and another

.....Appellants

Versus

The Collector Abohar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. R.S.Chauhan, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM No.9440-CI of 2016

Allowed as prayed for.

CM No.9441-CI of 2016

This is an application for condonation of delay of 4803 days in filing the accompanying appeal.

All what has been urged by the learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 25.01.2016, rendered by this court in RFA No.4140 of 2002 and other connected matters (Border Security Force Battalion through Commandant Vs. Daulat Ram and others), vide which, in the appeals arising out of the same acquisition, this court had uniformly enhanced the compensation awarded to the landowners to ₹2,41,500/- per acre.

Notice in the application.

Mr. K.K.Gupta, Addl. A.G. Punjab, present in Court, accept notice on behalf of respondent No.1 and Mr. Vivek Singla, Senior Panel Counsel, for respondent No.2. For, respondent No.3 is merely a proforma party, his service is dispensed with.

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 decisions 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 4803 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

RFA No.3412 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 *Daulat Ram's case (supra)*, the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 4803 days.

06.12.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No