

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-3435-2016 (O&M)
Date of Decision: December 02, 2016

Nand Kishor		...Appellant
	Versus	
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mahendra Singh Tewatia, Advocate,
for the appellants.

ARUN PALLI, J. (ORAL)

CM-9482-CI-2016

This is an application for condonation of delay of 1524 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 28.03.2016, rendered by this Court in RFA No. 2322 of 2011 – Usha Rani and others v. State of Haryana and others, vide which, in the appeals, arising out of the same acquisition, this Court had enhanced the compensation to Rs. 48,57,000/- per acre.

Notice in the application.

On the asking of the Court, Ms. Safia Gupta, Assistant Advocate General, Haryana, and Mr. Pritam S. Saini, Advocate, present in the Court, accept notice on behalf of respondent Nos. 1 & 2 and 3 & 4 respectively.

Learned counsel for the respondents does not dispute the factual position, as set out above.

In the wake of the decision of Hon'ble the Supreme Court in

Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2)

R.C.R. (Civil) 437 and Dhiraj Singh (D) Tr. LRs v. Haryana State and

others, 2015 (2) R.C.R. (Civil) 507, delay of 1524 days in filing the

accompanying appeal is condoned. However, to balance the equities, for the

period of delay in filing the appeal, the applicant shall not be entitled to

interest on the enhanced compensation.

Civil miscellaneous application stands disposed of.

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Allowed as prayed for.

RFA-3435-2016:

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

Usha Rani's case (supra), the present appeal is disposed of in terms of the

said decision. However, the appellant shall not be entitled to interest on

enhanced compensation, for the period of delay in filing the appeal, i.e. 1524

days.

The Reference/Executing Court is directed to ensure that at the

time of final disbursement, no interest on the enhanced compensation is

granted to the appellant for the period of delay in filing this appeal, i.e. 1524

days.

A copy of this order be sent to the Reference/Executing Court.

(ARUN PALLI)
JUDGE

December 02, 2016

Pk Kapoor

Whether Speaking/Reasoned:

YES / NO

Whether Reportable:

YES / NO