

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.10314-CI of 2016 in/and
RFA No.3724 of 2016 (O&M)
Date of Decision : 30.11.2016.

Rajni Jain

.....Appellant

Versus

State of Haryana through District Collector, Gurgaon and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Harsh Bungar, Advocate for the appellant.

ARUN PALLI, J. (Oral)
CM No.10315-CI of 2016

Application is allowed as prayed for and documents annexures

A-1 and A-2 are taken on record.

CM No.10314-CI of 2016

This is an application for condonation of delay of 917 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 23.09.2014, rendered by this court in RFA No.2174 of 2012 (Smt. Savitri Devi Vs. The Land Acquisition Collector, Gurgaon and others), vide which, this court had enhanced the compensation, awarded to the landowners. He submits that even the Special Leave Petition preferred against the said decision has been dismissed by the Hon'ble Supreme Court.

Notice in the application.

Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of respondents No.1 to 3. For, respondents No.4 to 11 are alleged to merely proforma party, their service is dispensed with.

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 917 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 any interest on the enhanced compensation.

CM stands disposed of.

RFA No.3724 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 *Savitri Devi'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 the enhanced compensation for the period of delay in filing the appeal i.e. 917 days.

30.11.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No