

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

**FAO No.6559 of 2016 (O&M)
Date of Decision : 22.03.2017**

Rakesh Kumar

... Appellant

Versus

**Union of India, through Secretary, Ministry of Road Transport and
Highways, New Delhi and others**

... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Sherry K. Singla, Advocate for the appellant.

Mr. D.K.Singal, Advocate for respondents No.1 and 2.

ARUN PALLI, J. (Oral)

CM No.22420-CII of 2016

Allowed as prayed for.

CM No.22421-CII of 2016

This is an application seeking condonation of delay of 951 days
in filing the accompanying appeal.

Notice in this application was issued to the respondents and
reply thereto has been filed.

Learned counsel for the applicant/appellant submits that
pursuant to the impugned judgment, dated 11.12.2013, Additional District
Judge, Jalandhar had remitted the matter to the Arbitrator for re-decision.
The specific direction was issued to the Arbitrator to decide the dispute as

expeditious as possible. However, the Arbitrator is yet to re-initiate the proceedings. Whereas, he submits that in the appeals arising out of the same acquisition this Court had awarded enhancement to the co-landowners, vide order and judgment, dated 15.02.2017, rendered in FAO No.6522 of 2016 (O&M), titled **Mangal Dass v. Govt. of India through Secretary, Ministry of Road Transport and Surface/Highways and others. .**

As opposed to this, learned counsel for the respondents submits that there is a gross and inordinate delay in filing the appeal and, therefore, even if the applicant is found entitled to the compensation in terms of the decision in the case of Mangal Dass (supra), he be deprived of interest for the period of delay in filing the appeal.

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

Concededly, the arbitral award dated 20.04.2011 was set aside, vide impugned judgment dated 11.12.2013. More than 3 years have gone by, and the Arbitrator is yet to proceed with the matter. On the other hand, the landowners, who were/are equally situated and circumstanced as the applicant has even been awarded enhancement by this Court in the case of Mangal Dass (supra). So much so, the requisite compensation in terms of the said decision has also been released by the respondents to the landowners. In fact, the order rendered by this Court in the case of Mangal Dass (supra) has not even been questioned any further by the respondents. Therefore, the short question that beseech an answer is; the delay that had occurred in filing the accompanying appeal is attributable to the

applicant/appellant? The answer is no. In fact, having waited for determination of his claim for over 3 years the applicant was choice-less, and rather constrained to approach this Court, for, the co-landowners were even disbursed the enhancement awarded by this Court.

Rather, the appellant is a victim of non-determination of his claim by the Arbitrator. Particularly, when he is not a litigant by choice but owing to compulsory acquisition of his holding.

Accordingly, the application is allowed and the delay in filing the appeal is condoned.

C.M. stands disposed of.

FAO No.6559 of 2016 (O&M)

Learned counsel for the parties are ad idem that the matter in issue is squarely covered by the order and judgment, dated 15.02.2017, rendered by this Court in FAO No.6522 of 2016 [**Mangal Dass v. Govt. of India through Secretary, Ministry of Road Transport and Surface/Highways and others**], vide which in the appeal arising out of the same acquisition, this Court had enhanced the compensation awarded to the land owners to ₹ 4,50,000 per marla. Thus, it is submitted that the present appeal too be disposed of in terms of the said decision.

Ordered accordingly.

22.03.2017

Rajan

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No