

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

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RFA No.3409 of 2016(O & M)

Date of Decision:20.02.2017

Mohan Mines Pvt.Ltd.

....appellant

Versus

State of Haryana and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Adish Gupta, Advocate for the appellant

Ms.Safia Gupta, AAG Haryana

ARUN PALLI, J. (ORAL):

CM No.9438-CI of 2016

This is an application for condonation of delay of 6137 days in filing the accompanying appeal.

Notice in the application was issued to the State and reply thereto has been filed in the Court today and the same is taken on record.

All what has been urged by learned counsel for the applicant is that the reference court had assessed the value of the acquired land at ₹ 325/- per square yard. Whereas, learned Single Judge of this Court had reduced the compensation to ₹ 90/- per square yard. The decision rendered by the learned Single Judge was affirmed in the Letters Patent Appeal. However, the matter was remitted by the Hon'ble Supreme Court to the reference Court for re-decision. Thereafter, the reference Court, vide award dated 12.01.2008 has re-assessed the compensation at ₹ 238/- per square yard and this Court, in the appeals arising out of the said acquisition had further enhanced it to ₹ 280/- per square yard. He submits that in the Special Leave Petitions preferred against the decision of this Court, the Hon'ble Supreme Court in Civil Appeal No.3279-3287 of 2013, titled

“Ashrafi and others versus State of Haryana and others”, decided on

11.04.2013, has further enhanced the compensation to ₹ 325/- per square yard. Therefore, he submits that the applicant to is entitled to the same compensation.

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 record.

In the wake of the decision of the Hon'ble Supreme Court in *Samiyathal and others versus Special Tehsildar and others, 2015(2) RCR (Civil) 441, 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 6137 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

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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 Ashrafi'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.6137 days.

February 20, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No