

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

RFA No.3874 of 2016(O&M)
Date of decision: 13.01.2017

Deep Chand and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sudhir Aggarwal, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-10704-CI-2017

This is an application for condonation of delay of 1505 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 04.02.2016, rendered by this court in RFA No.751 of 2012 [**Gopi Ram Yadav and others v. State of Haryana and others**] and other connected cases, vide which the appeals as also the cross-objections preferred by the land owners were partly accepted, and the compensation was enhanced to ₹ 32,27,200/- per acre. And, as a necessary consequence, the State appeals were dismissed.

Additionally, the court has also awarded 20% of the compensation as damages on account of severance, however, learned counsel submits that the applicants herein shall not be entitled to the said relief, for they had not made any such claim.

Notice.

Ms. Safia Gupta, AAG, Haryana, present in court, and Mr. Pritam Singh Saini, Advocate, accept notice on behalf of respondents No.1 & 2, and respondents No.3, respectively.

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 record.

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 1505 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.

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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 Gopi Ram Yadav's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 1505 days.

January 13, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO