

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

RFA No.3905 of 2016(O&M)

Date of decision: 08.02.2017

Ashok and another

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. SP Khatri, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-10782-CI-2016

This is an application for condonation of delay of 635 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 03.11.2015, rendered by this court in RFA No.4101 of 2008 [**HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) v. Rajesh Kumar and others**] and other connected matters, vide which in the appeals arising out of the same acquisition, preferred by the landowners, this court had enhanced the compensation awarded to the claimant-landowners.

Notice.

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

For, respondent No.4 is stated to be a proforma party, her service is dispensed with.

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, the delay of 635 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 Rajesh Kumar's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest for the period of delay in filing the appeal i.e. 635 days.

February 8, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO