

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

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**RFA No.1018 of 2017(O & M)
Date of Decision:09.05.2017**

Kapoor @ Kapoor Singh

....appellant

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Ms.Sharmila Sharma, Advocate
for the appellant

ARUN PALLI, J. (ORAL):

CM No.2644-CI of 2017

Application is allowed as prayed for.

CM No.2646-CI of 2017

This is an application for condonation of delay of 70 days in re-filing the appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 70 days in re-filing the appeal is condoned.

CM stands disposed of.

CM No.2645-CI of 2017

This is an application for condonation of delay of 785 days in filing the appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgement dated 03.03.2016, rendered by this Court in **RFA No.4694 of 2014**, titled “Tara

Chand and others versus State of Haryana and others”, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners.

Notice.

On the asking of the Court, Ms.Safia Gupta, AAG Haryana, present in the Court, accepts notice on behalf of respondents No.1 to 3 and Mr.Pritam Saini, Advocate, accepts notice on behalf of respondents No.4 and 5.

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 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 785 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.

RFA No.1018 of 2017

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 Tara Chand'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.785 days.

May 09, 2017
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(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No