

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

RFA No.1272 of 2017(O&M)

Date of decision: 09.05.2017

Mahender Kumar

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sushil Jain, Advocate for the appellant.

ARUN PALLI J. (Oral)
CM-3351-CI-2017

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 14 days in re-filing the accompanying appeal is condoned.

CM-3352-CI-2017

Allowed, as prayed for.

CM-3353-CI-2017

This is an application seeking condonation of delay of 805 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgment, dated 18.02.2016, rendered by this court in RFA No.6809 of 2014 [**Raghibir and others v. State of Haryana and another**] and other connected cases, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation awarded to the claimant-landowners to ₹ 59,88,657/- per acre.

Notice.

Ms. Safia Gupta, AAG, Haryana and Mr. Pritam Saini, Advocate accept notice on behalf of respondents No.1 & 2 and respondent 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, the delay of 805 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

**CM-4669-CI-2017; and
RFA-1272-2017**

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 *Ragbir's case (supra)*, the present appeal is disposed of in the same terms. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 805 days.

May 9, 2017

sanjiv

**(Arun Palli)
Judge**

Whether speaking / reasoned: YES/NO

Whether Reportable: YES/NO