

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

RFA No.2129 of 2017(O&M)

Date of decision: 26.05.2017

M/s Halibut Developers Pvt. Ltd.

... Appellant

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sanjay Vij, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-5701-CI-2017

This is an application seeking condonation of delay of 1071 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 27.05.2016, rendered by this court in RFA No.5316 of 2014 [**Pushpender Kumar 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/land owners.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents.

The factual position, as set out above, is not disputed by learned State counsel.

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 1071 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 *Pushpender Kumar'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. 1071 days.

(Arun Palli)
Judge

May 26, 2017
raman/Rajan

Whether speaking / reasoned: YES/NO
Whether Reportable: YES/NO