

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

RFA No.3446 of 2017(O&M)
Date of decision: 27. 11.2017

Mukhtiyar Singh

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vikram Singh Narwal, Advocate for
Mr. JP Jangu, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-8103-CI-2017

This is an application seeking condonation of delay of 2020 days in filing the accompanying appeal.

Learned counsel for the applicant concedes, at the outset, that the explanation rendered in the application hardly constitutes any sufficient cause. However, it is urged that the matter in issue is squarely covered by an order and judgment, dated 04.02.2016, rendered by this court in RFA No.266 of 2012 [**Joginder Singh Tokash v. State of Haryana and others**] and other connected cases, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation to ₹ 29,00,400/- per acre. However, in the appeals preferred by the beneficiary of the acquisition i.e. Arawali Power Company Pvt. Ltd., against the decision of this Court, the Supreme Court, vide order dated 05.09.2017, rendered in Civil Appeal No(s).8757 of 2016 [**Arawali Power Company Pvt. Ltd. v. Joginder Singh Tokash & Ors.**] and others connected matters, have reduced the compensation awarded to the claimant-landowners to ₹ 25,00,000/- per acre.

Notice.

Ms. Safia Gupta, AAG, Haryana and Mr. Vikas Pal Singh, Advocate, present in court, 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 2020 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-8104-CI-2017

Allowed as prayed for.

RFA-3446-2017

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by the Supreme Court in the case of Arawali Power Company Pvt. Ltd. (supra), the present appeal too 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. 2020 days.

(Arun Palli)
Judge

November 27, 2017
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO