

RFA No. 3626 of 2017 (O&M)

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

**RFA No. 3626 of 2017 (O&M)
Date of Decision: 1.11.2017**

Nahar Singh and another

...Appellants

Versus

Daulti and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajender Kumar, Advocate for
Mr. Mahendra Singh Tewatia, Advocate,
for the applicants-appellants.

ARUN PALLI, J. (ORAL)

CM No. 8744-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 79 days in re-filing the accompanying appeal is condoned.

CM stands disposed of.

CM No. 8745-CI-2017

This is an application seeking condonation of delay of 2063 days in filing the accompanying appeal.

At the outset, learned counsel for the applicants concedes that the explanation rendered in the application hardly constitute any sufficient cause. However, it is urged that the matter in issue is squarely covered by the judgment, dated 28.03.2016, rendered by this court in RFA No.2322 of 2011 [**Usha Rani and others v. State of Haryana and others**] and other

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connected cases, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners to ₹48,57,000/- per acre.

However, in the appeals preferred by the State of Haryana against the decision of this Court, the Supreme Court vide order and judgment dated 21.9.2017 rendered in SLP (C) Nos.20497-20500 of 2016 (Bharti and another Vs. State of Haryana and others), has reduced the compensation awarded to the claimants-land owners to ₹32,62,500/-. Accordingly, it is submitted that this appeal is required to be disposed in terms of the decision of the Supreme Court in **Bharti's case** (supra).

Notice.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Pritam Singh Saini, Advocate, accept notice on behalf of respondents No. 2 & 3, and respondents No.4 & 5, respectively.

The factual position, as set out above, is not disputed by learned counsel for the parties.

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 2063 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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CM-8746-47-CI-2017

Allowed as prayed for.

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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 the Supreme Court in **Bharti’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. 2063 days.

(ARUN PALLI)
JUDGE

1.11.2017
AK Sharma

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO