

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

**RFA No.3699 of 2017 (O&M)
Date of Decision : 08.09.2017.**

Harminder Singh @ Harmider Singh and others

.....Appellants

Versus

**The Land Acquisition Collector, Industries Department, Punjab,
Chandigarh and others**

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. K.L.Kohli, Advocate for the appellants.

Ms. Rukhsaar Sandhu, AAG, Punjab
for respondents No.1 and 2.

Mr. I.P.S.Doabia, Advocate for respondent No.3.

ARUN PALLI, J. (Oral)

CM-8929-CI-2017

This is an application for condonation of delay of 3283 days in filing the accompanying appeal. Despite opportunity, no reply has been filed thereto.

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 25.08.2008, rendered by this Court in RFA No.1881 of 2000 (Labh Singh (dead) through his LRs Major Singh and another Vs. The Collector, Land Acquisition and another), and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimants/landowners.

Rather, it is fairly pointed out that even the SLPs preferred by the respondents against the decision of this Court in the case of Labh Singh

and another (supra) have since been dismissed by the Supreme Court.

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 records.

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, delay of 3283 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.

CM-8930-CI-2017

Allowed as prayed for.

CM-8928-CI-2017 in/and RFA No.3699 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 *Labh Singh's case* (supra), the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 3283 days.

And, now the matter has since attained finality, the respondents shall release the compensation, the appellants are entitled to, at the earliest and in any case within three months from today.

08.09.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No