

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

RFA No.3746 of 2017(O&M)
Date of decision: 05.09.2017

Vijay Kumar

... Appellant

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajiv Sharma, Advocate for the appellant.

ARUN PALLI, J. (Oral)

CM-9071-CI-2017

Allowed as prayed for.

CM-9072-CI-2017

This is an application seeking condonation of delay of 5262 days in filing the accompanying appeal.

At the outset, learned counsel for the applicant 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 an order and judgment, dated 03.05.2006, rendered by this court in RFA No.2501 of 2001 [**Ved Pal and others 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 awarded to the claimant-land owners.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, present in court, 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 5262 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-9070-CI-2017; and
RFA-3746-2017**

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 Ved Pal'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. 5262 days.

September 5, 2017
Rajan

**(Arun Palli)
Judge**

Whether speaking / reasoned:
Whether Reportable:

YES
NO