

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

**RFA No.3753 of 2017 (O&M)  
Date of Decision : 01.12.2017.**

**Anil Kumar Bhatia and another**

**.....Appellants**

**Versus**

**State of Haryana and others**

**..... Respondents**

**CORAM : HON'BLE MR.JUSTICE ARUN PALLI**

Present : Mr. Akshay Kumar Jindal, Advocate for the appellants.

**ARUN PALLI, J. (Oral)**

**CM-9095-CI-2017**

This is an application for condonation of delay of 869 days in filing the accompanying appeal.

Learned counsel for the applicants concedes, at the outset, 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 03.03.2016, rendered by this Court in RFA No.2963 of 2015 (Haryana State Industrial and Infrastructure Development Corporation Ltd. through its Managing Director and another Vs. Mangal Singh and others), and other connected matters, vide which, this Court had enhanced the compensation awarded to the claimant/landowners. Consequently, the appeals filed by the beneficiaries of the acquisition i.e. HSIIDC were dismissed. So much so, even the cross appeal preferred by the HSIIDC in the present case was also dismissed. Resultantly, the applicants have since

been released the compensation in terms of the decision of this Court, dated 03.03.2016. But, he submits that in a review application i.e. RA-RF No.122-CI of 2017 in RFA No.978 of 2015, this Court vide order dated 26.09.2017, had modified its earlier decision and enhanced the compensation further. Thus, the necessity arose to file the present appeal and claim the balance compensation, in terms of the subsequent order passed by this Court.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 to 3 and Mr. Pritam Saini, Advocate for respondents No.4 and 5.

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 869 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 that is being claimed in this appeal.

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 an order and judgment, dated 03.03.2016, rendered by this court in the case of **Mangal Singh and others (supra)** and a subsequent order dated 26.09.2017, passed in review application by this Court, the present appeal is disposed of in terms thereof. However, it is clarified that as the appellants has already been disbursed the compensation in terms of the judgment dated 03.03.2016, they shall only be entitled to the balance compensation, in terms of the order dated 26.09.2017, vide which, the earlier decision was modified.

01.12.2017

*Manoj Bhutani***(ARUN PALLI)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable:

Yes/No  
Yes/No