

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

RFA No.3999 of 2017(O&M)
Date of decision: 18.09.2017

Rajinder Singh

... Appellant

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Satish Chaudhary, Advocate for the appellant.

ARUN PALLI J. (Oral)

CM-9633-CI-2017

Allowed as prayed for.

CM-9634-CI-2017

For the reasons set out in the application, the delay of 199 days in re-filing the accompanying appeal is condoned.

CM stands disposed of.

CM-9635-CI-2017

This is an application seeking condonation of delay of 564 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 the judgment, dated 19.01.2017, rendered by this court in RFA No.3894 of 2010 [**Sardool Singh 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 while placing reliance upon another decision dated 05.05.2016, rendered in RFA No.3356 of 2010 [**State of Haryana and another v. Santokh Singh and others**] had enhanced the compensation awarded to the claimant-land owners.

Notice.

Ms. Safia Gupta, 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 564 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.

RFA-3999-2017

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 Sardool Singh'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. 564 days.

September 18, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO