

RFA No. 4038 of 2017 (O&M)

Amit Kumar
2017.12.20 18:14
I attest to the accuracy and
integrity of this document
T

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

RFA No. 4038 of 2017 (O&M)

Date of Decision: 20.12.2017

Om Parkash and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajnikant Upadhyay, Advocate
for the appellants.

ARUN PALLI, J. (ORAL)

CM No. 9729-CI-2017

Allowed as prayed for.

CM No. 9730-CI-2017

This is an application seeking condonation of delay of 1753 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 order and judgment, dated 23.9.2014, rendered by this Court in **RFA No. 2174 of 2012 (Smt. Savitri Devi Vs. The Land Acquisiton Collector, Gurgaon and others)**, and other connected matters, vide which, in the appeals arising out of the same acquisition, as regards the land situated in villages Khandsa, Narsingpur and Mohammadpur Jharsa, the compensation was assessed at ₹57,80,000/- per acre. Whereas, the land situated in

RFA No. 4038 of 2017 (O&M)

villages Harsaru and Garauli Khurd was assessed at ₹40,80,000/- per acre, after applying 40% cut upon the value of the land situated in the villages referred to above.

It is urged that in the appeals preferred by certain landowners against the decision of this Court in **Savitri Devi (supra)**, the Supreme Court, vide order and judgment dated 31.3.2015, rendered in **Civil Appeal No. 3412 of 2015 (Sachin and others Vs. State of Haryana and others)**, though affirmed the assessment as regards the land situated in villages Khandsa, Narsingpur and Mohammadpur Jharsa, but a cut/deduction of 40% caused by this Court to assess the value of the land situated in villages Harsaru and Garauli Khurd was reduced to 30%. It is urged that as the land of the applicant-appellants herein was situated in village Harsaru, they are accordingly entitled to enhanced compensation, in terms of the decision of the Supreme Court.

Notice.

On the asking of the Court, Ms. Safia Gupta, AAG, Haryana, and Mr. Pritam Saini, Advocate, accept notice on behalf of respondents No.1 and 2 (State) and respondents No. 3 (HSIIDC), respectively. Copies furnished.

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 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**

RFA No. 4038 of 2017 (O&M)

others, 2015 (2) RCR (Civil) 507, the delay of 1753 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.

RFA No. 4038 of 2017

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the order and judgment, dated 31.3.2015 rendered by the Supreme Court in the case of **Sachin and others (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. 1753 days.

20.12.2017
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO