

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13471-CI of 2017 in/and
RFA No.4050 of 2017 (O&M)
Date of Decision : 20.12.2017.

Hans Ram and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Sanjeev Kodan, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-9752-CI-2017

This is an application for condonation of delay of 1937 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 4.2.2016, rendered by this Court in RFA No.266 of 2012 (Joginder Singh Tokash Vs. State of Haryana and others), and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation to Rs.29,00,400/- per acre. However, in the appeal preferred by Arawali Power Company Pvt. Ltd. (respondent No.3) against the decision of this Court, Supreme Court, vide order and judgment dated 05.09.2017, rendered in **Civil Appeal**

No(s).8757 of 2016 (Arawali Power Company Pvt. Ltd. Vs. Joginder Singh Tokash and others) had reduced the compensation to Rs. 25,00,000/- per acre. Accordingly, it is urged that the present appeal too be disposed of in terms of the decision of the Supreme Court in Joginder Singh Tokash and others (supra).

Notice.

Ms. Safia Gupta, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Vikas P. Singh, Advocate for respondent No.3.

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 1937 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.

CM-9753-CI-2017

Allowed as prayed for.

CM-13471-CI of 2017 in/and RFA No.4050 of 2017

For, learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the order and judgment, dated 05.09.2017, rendered by the Supreme Court in **Civil Appeal No(s). 8757 of 2016 (Arawali Power Company Pvt. Ltd. Vs. Joginder Singh Tokash and others)**, the present appeal too is disposed of, in terms thereof. However, the appellants shall not be entitled to interest for the period of delay in filing the appeal i.e. 1937 days.

20.12.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No