

RFA No. 4176 of 2017 (O&M)

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

RFA No. 4176 of 2017 (O&M)

Date of Decision: 20.12.2017

Chander Bati (since deceased) through her LR ...Appellant

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Abhimanyu Singh, Advocate
for the appellant.

ARUN PALLI, J. (ORAL)

CM No. 10001-CI-2017

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the deficiency in the Court fee is allowed to be made good.

CM No. 10002-CI-2017

This is an application seeking condonation of delay of 101 days in re-filing the accompanying appeal.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 101 days in re-filing the accompanying appeal is condoned.

Civil miscellaneous application stands disposed of.

CM No. 10004-CI-2017

Allowed as prayed for.

CM No. 10005-CI-2017

For the reasons set out in the application, which is duly

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supported by an affidavit, the same is allowed subject to all just exceptions. Consequently, leave is granted to the legal representative of deceased-appellant, who is stated to have passed away on 19.11.2012, during the pendency of the Reference, to institute and maintain the accompanying appeal.

Civil miscellaneous application stand disposed of.

CM No. 10003-CI-2017

This is an application seeking condonation of delay of 931 days in filing the accompanying appeal.

Learned counsel for the applicant 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 27.5.2016, rendered by this Court in **RFA No. 5316 of 2014 (Pushpender Kumar and others V. State of Haryana and another)** and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimants-landowners, as regards the land situated in village Badha, to ₹3,75,70,419/- per acre. Further, in the appeals preferred against the decision of this Court, the Supreme Court, vide order and judgment dated 5.9.2017, rendered in **Civil Appeal Nos.11913-11945 of 2017 (State of Haryana and another V. Pushpendra Kumar and others)**, has reduced the compensation by 15% only on account of development charges.

Notice.

On the asking of the Court, Ms. Safia Gupta, AAG, Haryana, present in the Court, accepts notice on behalf of the respondents. Copies furnished.

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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 others, 2015 (2) RCR (Civil) 507**, the delay of 931 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.

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For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the order and judgment, dated 5.9.2017 rendered by the Supreme Court in **Pushpendra Kumar'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. 931 days.

20.12.2017
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO