

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

RFA No.4372 of 2017(O&M)

Date of decision: 10.10.2017

Ashok Kumar

... Appellant(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ram Pal Verma, Advocate for the appellant(s).

ARUN PALLI J. (Oral)

CM-10615-CI-2017

This is an application seeking condonation of delay of 1194 days in filing the accompanying appeal.

Learned counsel for the applicant concedes, at the outset, that the explanation rendered in the application hardly constitutes any sufficient cause. However, it is urged that the matter in issue is squarely covered by an order and judgment, dated 18.02.2016, rendered by this court in RFA No.6809 of 2014 [**Raghibir and others v. State of Haryana and another**] and other connected cases, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimant-land owners to ₹ 59,88,657/- per acre.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Pritam Singh Saini, Advocate, present in court, accept notice on behalf of respondents No.1 & 2 and respondent No.3, respectively.

The factual position, as set out above, is not disputed by learned counsel for the respondents. However, it is submitted that in the appeals preferred by the claimants/State/beneficiaries of the acquisition against the decision of this Court in Raghibir's case (supra), the Supreme Court, vide order and judgment dated 06.09.2017, rendered in Civil Appeal No(s).15179

of 2017 [**Ashok Kumar v. State of Haryana and others**] has reduced the compensation awarded to the claimant-land owners to ₹ 45,00,000/- per acre.

That being so, learned counsel for the applicant submits that let the appeal be disposed of in terms of the decision of the Supreme Court in the case of Ashok Kumar (supra).

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 1194 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, concededly the matter in issue is squarely covered by the decision rendered by the Supreme Court in Ashok Kumar's case (supra), the present appeal too is disposed of in the same terms.

(Arun Palli)
Judge

October 10, 2017
Rajan/sonia arora

Whether speaking / reasoned: YES
Whether Reportable: NO