

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

RFA No.4787 of 2017(O&M)

Date of decision: 06.11.2017

Monika

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. N.D.Achint, Advocate for the appellant.

ARUN PALLI J. (Oral)

CM-11953-CI-2017

Allowed as prayed for.

CM-11954-CI-2017

This is an application seeking condonation of delay of 1843 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, he submits that the matter in issue is squarely covered by an order and judgment, dated 20.05.2016, rendered by this court in RFA No.4475 of 2012 [**Ram Chander and another v. State of Haryana and others**] 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 Rs.3,05,01,680/- per acre. But in the appeal preferred against the decision of this Court, the Supreme Court, vide order and judgment dated 05.09.2017, rendered in Civil Appeal Nos.11814 to 11864 of 2017 [**State of Haryana and others v. Ram Chander and another**] has reduced the compensation awarded to the claimants by 15% towards development cost.

Notice.

Ms. Safia Gupta, AAG, Haryana, present in court, accepts notice on behalf of respondents No.1 to 3. Copies furnished.

For respondents No.4 to 25 are alleged to be the proforma party, their service is dispensed with.

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 1843 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 decisions rendered by this Court and the Supreme Court in Ram Chander's case (supra), the present appeal too 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. 1843 days.

(Arun Palli)
Judge

November 6, 2017
raman/Rajan

Whether speaking / reasoned: YES
Whether Reportable: NO