

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No.4819 of 2017(O&M)
Date of decision: 07.11.2017

Gram Panchayat, Kassar through Sarpanch

... Appellant(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Bharat Bhushan Kaushik, Advocate for the appellants.

ARUN PALLI J. (Oral)

CM-12053-CI-2017

Allowed as prayed for.

CM-12052-CI-2017

This is an application seeking condonation of delay of 3047 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 06.11.2015, rendered by this court in RFA No.3787 of 2009 [**Gaje Singh and others v. State of Haryana and another**] and other connected cases, vide which in the appeals arising out of the same acquisition, and as regards the category the land of the applicants belonged to, the compensation awarded to the claimant-land owners was enhanced by this Court.

Notice to the contesting respondents only.

Ms. Safia Gupta, AAG, Haryana and Mr. Pritam Singh Saini, Advocate, present in court, accept notice on behalf of respondent Nos.1 & 2 and respondent Nos.3 & 4, 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 others, 2015 (2) RCR (Civil) 507, the delay of 3047 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicant(s) 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 this Court in Gaje Singh's case (supra), the present appeal too is disposed of in the same terms. However, the appellant(s) shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 3047 days.

November 07, 2017
raman/Rajan

(ARUN PALLI)
JUDGE

Whether speaking / reasoned: YES
Whether Reportable: NO