

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

**RFA No.4851 of 2017 (O&M)
Date of Decision : 09.11.2017**

**Phoola Devi (since deceased) through her Lrs and others
.....Appellants**
Versus

**State of Haryana and others
..... Respondents**

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Aditya Yadav, Advocate for the appellants.

**ARUN PALLI, J. (Oral)
CM No.12170-CI of 2017**

This is an application for condonation of delay of 2074 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 order and judgment, dated 11.05.2016, rendered by this Court in RFA No.2057 of 2012 (Jai Lal Vs. State of Haryana and others), and other connected matters, vide which, the compensation awarded to the claimant/landowners was enhanced by this Court to ₹32,77,452/- per acre, but, he further points out that in the appeals preferred by the beneficiaries of the acquisition i.e. Arawali Power Company Pvt. Ltd. (respondent No.4), the 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)**, has reduced the compensation awarded to the claimant/landowners to ₹25,00,000/- per acre. Therefore, it is urged that the appeal be disposed of, in terms of the, decision of the Supreme Court.

Notice in the application.

On the asking of the Court, Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 and 2 and Mr. Vikas P. Singh, Advocate for respondents No.3 and 4.

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 versus Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. Lrs Vs. Haryana State and others, 2015 (2) R.C.R. (Civil) 507**, delay of 2074 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.

CM stands disposed of.

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For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed, subject to all just exceptions. Accordingly, legal representatives of late Phoola Devi, Mewa Devi and Hazari, who are stated to have died on 27.11.2008, 01.04.1991 and 01.07.2016, as depicted in the application are brought on record for the purpose of pursuing the present appeal only.

CM-12172-CI-2017

Allowed as prayed for.

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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. 2074 days.

09.11.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No