

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

**RFA No. 4917 of 2017 (O&M)
Date of Decision: 14.11.2017**

M/s King Buildcon Private Ltd.

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Sharma, Advocate
for the appellant.

ARUN PALLI, J. (ORAL)

CM No. 12355-CI-2017

This is an application seeking condonation of delay of 1325 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 (Annexure P-1), vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners @ ₹16,89,35,120/- per acre as

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regards the land situated in village Shikohpur acquired vide notification dated 11.2.2010. However, it is urged that in appeals preferred by the State of Haryana 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 V. Pushpendra Kumar and others)**, has reduced the compensation by 15% on account of development charges. Accordingly, it is submitted that appeal be disposed in terms of the decision referred to above.

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.

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 1325 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.

RFA No. 3236 of 2017 & CM No. 12356-CI-2017

For, the learned counsel for the parties are *ad idem* that the

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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. 1325 days.

(ARUN PALLI)
JUDGE

14.11.2017		
AK Sharma	Whether Speaking/Reasoned:	YES / NO
	Whether Reportable:	YES / NO