

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

RFA No.5103 of 2017(O&M)

Date of decision: 15.12.2017

Vishnu Dutt and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajender Kumar, Advocate for
Mr. MS Tewatia, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-12782-CI-2017

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 440 days in re-filing the accompanying appeal is condoned.

CM-12783-CI-2017

This is an application seeking condonation of delay of 1744 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 judgment, dated 28.03.2016, rendered by this court in RFA No.2322 of 2011 [**Usha Rani and others 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 landowners to ₹ 48,57,000/- per acre. However, in the appeals preferred against the decision of this Court, the Supreme Court, vide order and judgment dated 21.9.2017, rendered in SLP (C) Nos.20497-20500 of 2016 [**Bharti and another Vs. State of Haryana and others**], has reduced the compensation awarded to ₹ 32,62,500/-.

Notice.

Ms. Safia Gupta, AAG, Haryana and Mr. Pritam Singh Saini, Advocate, accept notice on behalf of respondents No.1 & 2 and respondents No.3 & 4, respectively.

For respondent No.5 is alleged to be a proforma party, his service is dispensed with.

The factual position, as set out above, is not disputed by learned counsel for the parties.

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 1744 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.

CM-12785-CI-2017

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed subject to all just exceptions. Consequently, the LRs of late Daulat Ram (appellant No.4), late Birahm Dutt (appellant No.6) and late Chander Dutt (appellant No.7), as depicted in paragraphs 2 to 4 of the application, are brought on record for the purpose of pursuing the present appeal only.

CM-12786-CI-2017

Allowed as prayed for.

CM-12784-CI-2017

RFA-5103-2017

For, the learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by the Supreme Court in Bharti's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the

enhanced compensation for the period of delay in filing the appeal i.e. 1744 days.

(ARUN PALLI)
JUDGE

15.12.2017
Rajan/sonia arora

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No