

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

RFA No.5165 of 2017(O&M)
Date of decision: 20.12.2017

Arun Kumar and others

... Appellants

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Munish Kumar Garg, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-12909-CI-2017

This is an application seeking condonation of delay of 916 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 an order and judgment, dated 30.10.2015, rendered by this court in RFA No.9821 of 2014 [**Baru and others v. State of Haryana**] and other connected cases, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation as regards the land abutting the main road upto the depth of 2 acres to ₹ 350/- per sq. yard, and the land situated beyond 2 acres to ₹ 250/- per sq. yard. He submits that since the land of the applicants was situated beyond 2 acres from the main road, they are entitled to compensation @ ₹ 250/- per sq. yard.

Notice.

Ms. Safia Gupta, AAG, Haryana, present in court, accepts notice on behalf of the respondent.

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 916 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-12910-CI-2017

Allowed as prayed for.

**CM-13390-CI-2017; and
RFA-5165-2017**

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered of this Court in Baru'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. 916 days.

20.12.2017
Rajan

**(Arun Palli)
Judge**

Whether speaking / reasoned:
Whether Reportable:

YES
NO