

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

RFA No.5431 of 2017(O&M)
Date of decision: 21.12.2017

Anjula and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. BK Bagri, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-13532-CI-2017

Allowed as prayed for.

CM-13533-CI-2017

This is an application seeking condonation of delay of 647 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, he submits that the appeals preferred by both the parties, arising out of the same acquisition, were disposed of by this Court vide order and judgment, dated 15.11.2017, rendered in RFA No.4236 of 2016 [**Haryana State Industrial Development Corporation (now Haryana State Industrial and Infrastructure Development Corporation Limited) v. Ram Kanwar (Deceased) through LRs and others**] and other connected matters, vide which the impugned awards were set aside and the matter was remitted to the Reference Court for re-decision. Thus, he submits that the present appeal too is required to be disposed of in the same terms.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Pritam Singh Saini, Advocate, present in court, accept notice on behalf of respondents No.1 & 2 and respondents No.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. LR. v. Haryana State and others, 2015 (2) RCR (Civil) 507**, the delay of 647 days in filing the accompanying appeal is condoned.

However, for the matter is being remitted to the Reference Court for re-adjudication, it is clarified that in the event the claim of the applicants is accepted or even partly allowed, they shall not be entitled to any interest on the enhanced compensation for the period of delay in filing this appeal.

CM stands disposed of.

RFA-5431-2017

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision of this Court in Ram Kanwar's case (supra), the present appeal is disposed of in the same terms. The matter is accordingly remitted to the Reference Court for re-decision. However, in the event the claimant-landowners are awarded any further enhancement, they shall not be entitled to any interest on the enhanced compensation for the period of delay in filing this appeal i.e. 647 days.

The appellants shall appear before the District Judge, Rewari on 02.01.2018.

21.12.2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO