

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-675-2017 (O&M)
Date of Decision: May 31, 2017

Braham Parkash (deceased) LRs and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. B.K. Bagri, Advocate,
for the appellants.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana,
for respondent Nos. 1 and 2.

Mr. Vikas P. Singh, Advocate,
for respondent Nos. 3 and 4.

ARUN PALLI, J. (ORAL)

CM-1782-CI-2017

This is an application for condonation of delay of 1661 days in filing the accompanying appeal. All what has been urged by the learned counsel for the applicants is 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 v. State of Haryana and others)** and other connected matters, vide which the compensation awarded to the claimants/landowners was enhanced by this Court.

Notice in the application was issued.

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 records.

In the wake of the decisions of the Supreme Court in **Imrat Lal and others v. Land Acquisition Collector and others**, 2015 (2) R.C.R. (Civil) 437; and **Dhiraj Singh (D) Tr. LRs. v. Haryana State and others**, 2015 (2) R.C.R. (Civil) 507, delay of 1661 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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Vide notification dated 14.02.2008, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), the land situated in villages Sudharana and Lilodh, Tehsil and District Rewari, was sought to be acquired for construction of Marry Go Round (MGR) railway line for Arawali Power Company Pvt. Ltd., Jharli, District Jhajjar. The final declaration under Section 6 was published on 14.02.2008. The Land Acquisition Collector, vide Award No. 1, dated 31.12.2008, had assessed the market value of the acquired land at Rs.16,00,000/- per acre. Being aggrieved by the assessment as also the compensation awarded by the Collector, the claimant/landowners filed objections under Section 18 of the Act. Resultantly, the dispute was referred to the Civil Court. On a consideration of the matter in issue, the Reference Court vide award dated 16.12.2011, enhanced the compensation awarded to the claimant/landowners at Rs.18,00,000/- per acre. That is how, the claimant/landowners are before this Court.

Learned counsel for the parties submit, at the outset, 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 v. State of Haryana and others) and other connected matters, vide which this Court had enhanced the compensation awarded to the claimants/landowners to Rs.32,77,452/- per acre. However, against the decision of this Court, both the parties have preferred appeals before the Supreme Court. It is submitted that in the appeal [**SLP (C) No(s). 18034 of 2016, titled Arawali Power Company Pvt. Ltd. v. Joginder Singh Tokash and others**] preferred by the respondent, vide order dated 26.08.2016, the Supreme Court had stayed payment of 75% of the enhanced amount to the claimants. However, the respondents were granted four weeks time to deposit the balance 25% of the enhanced compensation with the Executing Court, which the claimants were permitted to withdraw on furnishing security. Concededly, the Supreme Court is in seisin of the dispute to date. However, during the course of hearing, learned counsel for the parties have reached a consensus; that let this appeal be disposed of in terms of the decision of this Court in the case of **Jai Lal (supra)**, and the claimant shall not seek execution of the proposed order, but shall only be entitled to withdraw an amount equal to 25% of the enhancement awarded by this Court, till the matter is finally decided by the Supreme Court in the case of **Joginder Singh Tokash (supra)**. Further, both the parties undertake and agree to abide by the decision of the Supreme Court, whether the compensation awarded by this Court is reduced or is further enhanced.

In the wake of the above, the present appeal is disposed of in terms of the decision of this Court rendered in the case of **Jai Lal (supra)**. However, the respondents shall deposit an amount equal to 25% of the enhancement granted by this Court, with the Executing Court, within eight

weeks from today. And the claimant/landowners shall be entitled to withdraw the said amount on furnishing security to the satisfaction of the executing Court. However, the balance 75% of the enhanced amount shall not be released to the claimant/landowners till the decision of the Supreme Court in the case of **Joginder Singh Tokash (supra)**. For, learned counsel for the parties are *ad idem* that they shall abide by the decision of the Supreme Court, in both the possibilities; (a) the compensation assessed by this Court is reduced; and (b) there is a further enhancement in the compensation awarded to the claimants, an undertaking, in the above terms, shall be furnished by the parties before the Executing Court within eight weeks from today. Copy thereof, shall also be placed on record of this Court. In the event any difficulty is faced either in construction or implementation/enforcement of this order, both the parties shall be at liberty to move an appropriate application.

The appeal stands disposed of in the above terms.

(ARUN PALLI)
JUDGE

May 31, 2017

P Kapoor

Whether Speaking/Reasoned:

YES / NO

Whether Reportable:

YES / NO