

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

**CM No.2250-CII-2018 in/and
FAO No.758 of 2018 (O&M)
Date of Decision : 20.03.2018**

Randhir Singh and others

..... Appellants

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Manoj Pundir, Advocate
for the appellants.

Mr. R.S.Madaan, Advocate
for the respondents No.1 and 2.

AJAY TEWARI, J. (Oral)

This is an application for condonation of delay of 855 days in filing the appeal.

The facts which have transpired are that the land of the appellants situated in Village Said Mubarak, Tehsil Batala, District Gurdaspur had been acquired for widening and four laning of Jalandhar – Pathankot section of National Highway No.15 in April, 2008. Against the compensation awarded by the Collector, the appellants filed a petition before the Arbitrator/Commissioner, Jalandhar Division, Jalandhar who passed an award dated 26.05.2013. The respondents No.1 and 2 filed an objections under Section 34 of the Arbitration and Conciliation Act and by an order dated 03.04.2015 the objections were allowed, the award was set

aside and the case remanded back to the Arbitrator/Commissioner, Jalandhar Division, Jalandhar. However, in respect of the acquisition of some other land of the same village the matter reached this Court in FAO No.3746 of 2015 and others titled as *Union of India and another vs. Parshan Kaur and others* wherein this Court by judgment dated 10.08.2016 (Annexure A-2) upheld the grant of compensation @ Rs.1,50,000/- per marla for commercial land and Rs.1,30,000/- per marla for residential land alongwith solatium @ 30% even while further holding that the land owners were not entitled to interest as per Section 34 of the Land Acquisition Act, 1894 but as per Sections 23 (2) and 28 of the Land Acquisition Act, 1894.

It is further submitted that till date the subsequent arbitration proceedings have not fructified and are still pending. It is, therefore, prayed that the appellants are entitled to the same benefits as were upheld by this Court in the aforementioned FAO i.e. FAO No.3746 of 2015 and thus the delay of 855 days has occurred in challenging the judgment and order dated 3.4.2015 be condoned.

Counsel for the respondents No.1 and 2 has argued that they have no objections in paying the compensation at the rates upheld by this Court in Parshan Kaur's case (supra). Further they have no objection even to the condonation of delay but the appellants should be held disentitled for the interest for the period of delay. As per the counsel, this equitable practice has been evolved over time and used by courts in all cases of compensation like under the Land Acquisition Act, Motor Vehicle Act, Employees' Compensation Act etc. The counsel for respondents No.1 and 2 has relied upon various judgments to contend that interest has been held not

payable to persons who had filed the appeal beyond limitation.

Counsel for the appellants on the other hand has argued that this case cannot be decided on those principles. As per him, the only thing which the appellants are claiming is parity. If the appellants continue to prosecute the case before the Arbitrator, ultimately the Arbitrator would also be bound by the decision of this Court in the case of Parshan Kaur's case (supra) and others and then the respondent Nos.1 and 2 would not be able to deny interest to the appellants. It is further stated that a similar issue had arisen in appeal bearing FAO No.6522 of 2016 decided on 15.02.2017 titled as ***Mangal Dass vs. Govt. of India and others***, wherein this Court in similar circumstances has held that not only were those appellants entitled to compensation at the rates on which other land owners of that village were awarded but they were even entitled to the interest for the delayed period.

Counsel for the respondents No.1 and 2 has very fairly accepted that the facts of that case are similar to the facts of this case.

In the circumstances, the delay is condoned. Appeal is disposed of in the same terms as mentioned in Parshan Kaur's case (supra).

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

March 20, 2018
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No