

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

**RFA Nos.1104 and 1105 of 2018 (O&M)
Decided on : 09.05.2018**

Chander Singh

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Ms. Anita Balyan , Advocate
for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Delay applications

Applications under Section 5 of the Limitation Act for condonation of delay of 2332 days in filing the present appeal have been filed.

Keeping in view the averments made in the applications and in view of the fact that the interest of the State can be protected by denying the appellant the benefit of interest for 2332 days in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the applications are allowed.

The delay of 2332 days in filing the appeals is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CMs stand disposed of.

Main appeals

Counsels are agreed that against the order of the Reference Court, Jhajjar dated 04.08.2011 for the revenue estate of Village Bir Barkhtabad, Tehsil Bahadurgarh, District Jhajjar, compensation had been

enhanced to ₹10 lakhs per acre in **RFA No.1626 of 2011 'Puran Chand Wadhwa (deceased) through L.Rs. Vs. Land Acquisition Collector and another'** decided on 31.08.2015.

The Apex Court in **Civil Appeal No.19354 of 2017 'Rajender Singh and others Vs. State of Haryana and others'** and other connected matters decided on 17.11.2017 has further enhanced the compensation to ₹15 lakhs per acre. The relevant portion of the said judgment reads as under:-

“In the peculiar facts and circumstances of the cases, and considering the aforesaid evidence making deduction for development, it would be appropriate to award compensation of Rs.15,00,000/- per acre for other villages i.e. Bir Barkatbad, Balore and Sarai Aurangabad alongwith statutory benefits. Thus we enhance the compensation for Bahadurgarh from Rs.13,00,000/- per acre to Rs.20,00,000/- per acre and for other villages i.e. Bir Barkatbad , Balore and Sarai Aurangabad from Rs.10,00,000/- per acre to Rs.15,00,000/- per acre.

Appeals are allowed to the aforesaid extent. Payment be made as expeditiously as possible preferably within six months.”

Accordingly, the present appeals are also allowed in the same terms and with the further condition that the appellant will not be entitled for the benefit of the interest on the enhanced compensation for the period of delay in filing the appeals.

MAY 09, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No