

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

**RFA No.1128 of 2018 (O&M)
Decided on : 19.11.2018**

Joginder Singh

... Appellant

Versus

U.T.Chandigarh through the Land Acquisition Officer

... Respondent

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

Present : Mr.Narinder Sharma, Advocate, for the appellant.

Mr.Suvir Sehgal, Advocate, for the respondent-UT.

G.S. Sandhawalia, J. (Oral)

CM-3007-CI-2018

The present application has been filed for condonation of 1700 days delay in filing the appeal has been filed on the ground that the applicants were under mistaken belief that if the amount has been enhanced in the connected matters and they would also get the benefit.

Same is, accordingly, been opposed by the respondents on the ground that the appeal has been filed after more than 4 ½ years and there is no valid justification, as such, and there is no sufficient cause made out.

The Apex Court in **Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133** and **Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127**, has held that the interest of the other side can be protected by denying the interest for the delayed period in filing the appeal.

Counsel for the respondent-UT, could not show any judgment, to the contrary, subsequently passed by the Apex Court.

Accordingly, in view of the averments made in the application, duly supported by affidavit, the present application is allowed and the delay of 1700 days in filing the appeal is hereby condoned, subject to the condition that the appellant shall not be entitled for the benefit of interest from the date of award, i.e., 15.12.2012.

CM stands disposed of.

RFA-1128-2018

In RFA-2870-2009 titled *Gurdev Singh & others Vs. Union Territory, Chandigarh*, decided on 22.09.2015, a Co-ordinate Bench of this Court, while dealing with the same notification dated 26.12.2005, has enhanced the compensation from Rs.29,82,000/- by granting 12% cumulative increase on the earlier acquisition of 11.12.2003 and fixed the market value @ Rs.43,28,000/- per acre, for land falling in Village Mauli Jagran. Operative portion of the judgment read as under:

“19. In so far as the land acquired vide notification under Section 4 of the Act dated 22.12.2005 is concerned, the same was acquired 2 years from the earlier acquisition which was carried out vide notification under Section 4 of the Act on 11.12.2003. Considering the time gap between the two acquisitions, increase @ 12% with cumulative effect would be reasonable. If increase @ 12% per annum with cumulative effect is added on ₹ 34,50,000/- for the gap period of 2 years between the two acquisition, the compensation comes to ₹ 43,27,680/-, which is rounded off to ₹ 43,28,000/-. The landowners for the land acquired vide notification under Section 4 of the Act dated 22.12.2005 are granted

compensation @ ₹ 43,28,000/- per acre.”

Counsel for the respondent-UT has fairly conceded that the U.T.Chandigarh has not approached the Apex Court against the said judgment but the landowners have approached the Apex Court for further enhancement.

Accordingly, the present appeal is allowed, to maintain parity, in the same terms, with the condition that the landowners shall not be entitled interest for 1700 days on the enhanced compensation.

November 19th, 2018
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*