

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No. 136 of 2018 (O & M)

Date of decision: 03.04.2018

Gyani (D) through L.Rs. and others

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Sumit Gupta, Advocate,
for the appellants.

Ms. Safia Gupta, AAG, Haryana.

Mr. Vikas P. Singh, Advocate,
for respondent no. 3.

G.S.SANDHAWALIA, J. (Oral)

Delay Application

Application has been filed for condonation of delay of 2076 days in filing the appeal.

In view of the judgments of the Supreme Court in *Imrat Lal and others vs. Land Acquisition Collector and others, 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (D) through L.Rs. vs. Haryana State and others, 2015 (2) RCR (Civil) 507*, delay of 2076 days in filing the appeal is condoned. However, it is clarified that the applicants-appellants shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeal i.e. 2076 days.

C.Ms. stand disposed of.

L.R. Application

Application has been filed for bringing on record legal

representatives of deceased appellant no. 1-Gyani, who is stated to have died on 06.12.2012. The details of legal representatives have been mentioned in para no. 2 of the application. It has been further averred that there are no other legal representatives of deceased appellant except the ones mentioned in para no. 2 of the application. The application is supported by affidavit of one of the legal representative.

Accordingly, the application is allowed. Persons mentioned in para no. 2 are allowed to be brought on record as legal representatives of deceased-appellant no. 1, only for the purpose of pursuing the present appeal. The present order shall not ensure any benefit in any other set of proceedings.

RFA No. 136 of 2018

The present appeal arises out of the award of the Reference Court, Jhajjar dated 01.10.2011 whereby, the Reference Court has refused to grant the benefit of enhancement from Rs.16,00,000/- per acre which was awarded by the Land Acquisition Collector.

Counsels point out that the notification under Section 4 of the Land Acquisition Act, 1894 dated 16.01.2007 was the subject matter of consideration in ***Civil Appeal No. 8757 of 2016, Arawali Power Company Private Ltd. vs. Joginder Singh Tokash and others*** decided on 05.09.2017. The amount of compensation which was awarded by this Court i.e. Rs.29,00,400/- per acre has been reduced to Rs.25,00,000/- per acre. Relevant portion of the same reads thus:-

“In the peculiar facts and circumstances of the case, we find that it would be appropriate to make approximately 15% deduction towards development and in the facts and circumstances of the case, we grant

compensation at the rate of Rs.25,00,000/- (Rupees twenty five lakhs only) per acre alongwith statutory benefits.

Consequently the appeals filed by the Company are partly allowed and the cross appeals/cross objections preferred by the owners are hereby dismissed. No costs.”

Accordingly, keeping in view the said facts to maintain parity, the present appeal is also allowed and the appellants are entitled for the said amount i.e. 25,00,000/- per acre alongwith all statutory benefits. However, the applicants-appellants shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeal i.e. 2076 days.

03.04.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No