Shivani Gupta
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 1517 of 2018 (O & M)
Date of decision: 05.10.2018

Ram Sarup and another ....Appellant(s)

Versus

State of Haryana and others ...Respondent(s)

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

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

Ms. Vibha Tewari, AAG, Haryana.

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

G.S.SANDHAWALIA, J. (Oral)

Delay in Filing Application

The present appeal, directed against the order dated 01.10.2011, passed by the Reference Court, Rewari, is barred by 1622 days. In view of the fact that the matter has attained finality before the Apex Court and the interest of the respondents can be protected, the delay of 1622 days in filing the appeal is, hereby condoned conditionally, keeping in view the judgments of the Apex Court in ***Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437*** and ***Dhiraj Singh (D) Th. LRs. Vs. Haryana State & others 2015 (2) RCR (Civil) 507***. However, the appellants shall not be entitled for the interest element, for the said period of delay.

CM stands disposed of.

Main Appeal

It is not disputed that a sum of Rs.16 lakhs was awarded by the

Land Acquisition Collector, as compensation for the notification dated 16.01.2007 and there was no enhancement granted by the Reference Court. This Court had enhanced the compensation to Rs.29,00,400/- per acre along with statutory benefits, which has been reduced by the Apex Court and an amount of Rs.25 lakhs had been awarded vide order dated 05.09.2017 in ***CA-8757-2016 titled Arawali Power Company Pvt. Ltd. Vs. Joginder Singh Tokash & others***. Relevant potion of the judgment reads as under:

> *"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, the present appeal is also allowed, in the above-said terms, except for interest for the period of 1622 days.

05.10.2018 (G.S. SANDHAWALIA)
shivani JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No