

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

**RFA No.2240 of 2018 (O&M)
Decided on : 06.09.2018**

Ishwar Singh (now deceased) through his L.Rs.

... Appellants

Versus

State of Haryana and others

... Respondents

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

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

Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for the respondent-HSIIDC.

G.S. Sandhawalia, J. (Oral)

Application under Section 5 of the Limitation Act for condonation of delay of 2946 days in filing the present appeal has been filed.

Keeping in view the fact that the matter has been settled upto the Apex Court and the interest of the respondents can be protected by denying the appellants the benefit of interest for 2946 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 LR's. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the application is allowed.

The delay of 2946 days in filing the appeal is condoned, with

the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The Reference Court, Jhajjar vide Award dated 30.10.2009 awarded a sum of ₹8,73,600/- per acre for the land which was acquired vide notification dated 24.01.2001 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), while enhancing the compensation from ₹2,00,000/- per acre awarded by the Land Acquisition Collector for village Shadpur.

This Court in **RFA No.3787 of 2009 'Gaje Singh and others Vs. State of Haryana and another'** decided on 06.11.2015 while dealing with the same acquisition, enhanced the compensation as under:-

“31. As far as the land acquired for development as Sector 17 is concerned, in my opinion, the same being further away from the city and the fact that if one moves away from the city, the value starts diminishing, in my opinion, a reasonable cut of 20% is required to be applied thereon. After applying the same, the value upto the depth of two acres from NH-10 is assessed @ ₹ 14,64,000/- (rounded off to ₹ 14,60,000/-) per acre and ₹10,96,000/- (rounded off to ₹ 11,00,000/-) per acre for rest of the land.

32. To sum, the landowners are held entitled to compensation as under:

(i) For the land acquired for development as Sectors 16, 18 and 18-A ₹18,30,000/- per acre upto the depth of two acres from main road ₹ 13,70,000/- per acre for rest of the land.

(ii) For the land acquired for development as Sector 17 ₹

*14,60,000/- per acre upto the depth of two acres from main road
& ₹ 11,00,000/- per acre for rest of the land.*

*33. The appeals filed by the landowners are allowed in the
manner indicated above, whereas the appeals filed by HSIIDC are
dismissed.”*

It is further pointed out that SLP filed by the HSIIDC has
been dismissed by the Apex Court on 28.07.2017.

Accordingly, to maintain parity, the present appeal is also
allowed, in the abovesaid terms. However, it is clarified that the
appellants shall not be entitled for interest on the enhanced compensation
for the delay period of 2946 days in filing the appeal.

SEPTEMBER 06, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No