

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

229

**RFA-2340-2018 (O&M)
Date of decision: 24.07.2018**

RamavtarAppellant
Versus
State of Haryana & others ...Respondents

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

Present: Mr.Sanjay Mittal, Advocate, for the appellant.

Ms.Vibha Tewari, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

The present appeal is directed against the award of the Reference Court, Rewari dated 30.09.2009, under Section 54 of the Land Acquisition Act, 1894, whereby compensation had been enhanced from Rs.12.5 lakhs to Rs.20 lakhs, for the notification dated 23.01.2004.

The appeal is barred by as much as 2970 days. It is submitted that the appeal filed by the other landowners had been dismissed and no enhancement had been granted, in RFA-463-2010 titled *Raghunath Vs. State of Haryana & others*, decided on 09.12.2010 (Annexure A-1). However, the Apex Court in CA-4555-2011 titled *Hukam Singh & others Vs. Land Acquisition collector & others*, decided on 11.12.2014(Annexure A-2), qua the notification dated 27.01.2003, granted an additional amount of Rs.1,00,000/- per acre. Relevant portion of the judgment reads as under:

“13. In our considered opinion, the compensation so awarded by the Reference Court and confirmed by the High Court appears to be on the lesser side. Therefore, keeping in view the peculiar facts and circumstances of the case,

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and also other factors, we enhance the compensation in favour of the appellants-claimants by another Rs.1,00,000/- per acre, which is inclusive of all statutory benefits.”

It is, accordingly, contended that the interest of the State can be safeguarded by denying the interest element, 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.

Notice of the application for condonation of delay.

Ms.Vibha Tewari, AAG, Haryana accepts notice on behalf of the State. Copy of the paperbook has been supplied to her.

Accordingly, the present application condonation of delay of 2970 days in filing the appeal, is allowed and the delay of 2970 days in filing the appeal is, hereby condoned. However, the appellants shall not be entitled for the interest element.

Resultantly, the present appeal is also allowed and the appellant is held entitled for the additional benefit of Rs.1,00,000/- per acre, to maintain parity.

24.07.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No