

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

RFA No.2555 of 2018 (O&M)

Date of Decision:31.05.2018

Smt. Asha Devi and others

...Appellants

Versus

State of Haryana and another

...Respondents

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

Present: Mr. Vikrant Hooda, Advocate
for the appellants.

Ms. Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

CM-5627-CI-2018

Application under Section 5 of the Limitation Act for condonation of delay of 1471 days in filing the present appeal has been filed.

Keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 1471 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 1471 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:

Counsels are agreed that against the order of the Reference Court, Jhajjar dated 18.02.2014 for the revenue estate of Village Bahadurgarh, District Jhajjar, compensation had been enhanced to Rs.13 lakhs per acre in RFA No.1626 of 2011 'Puran Chand Wadhwa (deceased) through L.Rs. Vs. Land Acquisition Collector and another' decided on 31.08.2015.

The Apex Court in Civil Appeal No.19354 of 2017 'Rajender Singh and others Vs. State of Haryana and others' and other connected matters decided on 17.11.2017 has further enhanced the compensation to Rs.20 lakhs per acre. The relevant portion of the said judgment reads as under:-

“In the peculiar facts and circumstances of the cases, and considering the aforesaid evidence making deduction for development, it would be appropriate to award compensation of Rs.15,00,000/- per acre for other villages i.e. Bir Barkatbad, Balore and Sarai Aurangabad alongwith statutory benefits. Thus we enhance the compensation for Bahadurgarh from Rs.13,00,000/- per acre to Rs.20,00,000/- per acre and for other villages i.e. Bir Barkatbad , Balore and Sarai Aurangabad from Rs.10,00,000/- per acre to Rs.15,00,000/- per acre.

Appeals are allowed to the aforesaid extent. Payment be made as expeditiously as possible preferably within six months.”

Accordingly, the present appeal is also allowed in the same terms and with the further condition that the appellants will not be

entitled for the benefit of the interest on the enhanced compensation for the period of delay i.e. 1471 days in filing the appeal.

31.05.2018		(G.S. SANDHAWALIA)
pvd		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No