

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

**RFA No.2564 of 2018 (O&M)
Date of Decision:01.06.2018**

M/s Tirupati Spinning and General Mills ...Appellant
Versus
State of Haryana and another ...Respondents

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

Present: Mr. Vijay Singh, Advocate
for the appellant.

Ms. Safia Gupta, AAG, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

CM-5665-CI-2018:

Application for condonation of delay of 486 days in filing the accompanying appeal has been filed. It is urged that the matter in issue is squarely covered by an order and judgment, dated 27.10.2017, rendered by the Supreme Court in **Civil Appeal No.2846 of 2017** “***Bijender and others Vs. State of Haryana and another***” and other connected matters.

Notice in the application.

Ms. Safia Gupta, AAG, Haryana accepts notice on behalf of the State. Copy supplied.

The claims of other landowners under Section 18 of the Land Acquisition Act were dismissed by the Reference Court as the compensation awarded by the Collector was affirmed. It is contended that vide award dated 02.11.2016 passed by the Reference Court, Jind, the benefits of enhancement were granted to the tune of Rs.24,75,000/- per

acre for the land which is situated beyond 2 acres from the main road after enhancing it from Rs.18,00,000/- lakhs per acre in view of **RFA No.1515 of 2014 “Harijan Co-operative Society Ltd. Vs. State of Haryana and another”** and other connected matters. Further, in the appeals preferred against the decision of this Court, the Supreme Court vide its order and judgment in the case of **Bijender and others (supra)** had further enhanced the compensation regarding the land upto the depth of 2 acres from the main road to Rs.45,00,000/- per acre and the land situated beyond 2 acres was assessed @ Rs.35,00,000/- per acre. Thus, he submits that this appeal too is required to be disposed of in terms of the decision of the Supreme Court referred to above.

The factual position, as set out above, is not disputed by learned State counsel.

I have heard learned counsel for the parties and perused the record. In the wake of the decisions of the Hon’ble Supreme Court in **Imrat Lal and others Vs. Land Acquisition Collector and others, 2015 (2) RCR (Civil) 437** and **Dhiraj Singh (D) Tr. LRs. Vs. Haryana State and others, 2015 (2) RCR (Civil) 507**, the delay of 486 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal, the applicant shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

CM-5666-CI-2018:

Application for exemption from filing the certified copy of award dated 02.11.2016 is allowed, subject to just all exceptions.

CM stands disposed of.

CM-5667-CI-2018; and RFA-2564-2018:

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered of the Supreme Court in **Bijender's case (supra)**, the present appeal is disposed of in the same terms. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 486 days.

01.06.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No