

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

**RFA No.3086 of 2018 (O&M)
Decided on : 31.08.2018**

Ramesh Bansal

... Appellant

Versus

State of Haryana and others

... Respondents

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

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

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-6776-CI-2018

The present application has been filed for condoning the delay of 1159 days in filing the present appeal.

Counsel for the State had accepted notice on the last date of hearing, but no reply has been filed.

Accordingly, 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 appellant the benefit of interest for 1159 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 LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the application is allowed. The delay of 1159 days in filing the appeal is condoned, with the condition that the

appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The present appeal under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Jhajjar dated 29.01.2015, whereby a sum of ₹12,50,000/- per acre was awarded by the Land Acquisition Collector, which had been enhanced to ₹13,78,574/- per acre by the Reference Court but benefit under Section 23 (1A) of the Act was not granted.

Counsel for the appellant has pointed out that this Court in RFA No.3267 of 2015 'Ram Kanwar Vs. State of Haryana and others' decided on 27.11.2015 allowed the appeal and granted the statutory benefits while maintaining the amount of market value. The relevant portion reads as under:-

“As far as the claim of landowners for statutory benefit under Section 23(1A) of the Act is concerned, in my opinion, the contention is meritorious. The assessment of compensation in terms of the provisions of the Act is on the date of issuance of notification under Section 4 of the Act. The policy of the State, no doubt, in its wisdom, related the amount of compensation to the date of award. From that, it cannot be taken that compensation assessed for acquisition of land was in violation of the provisions of the Act providing for assessment on the date of issuance of notification under Section 4 of the Act. The State had merely fixed the rates, hence, in my opinion, it would be unjustified to deny the landowners all the statutory benefits including under Section 23 (1A) of the Act on the premise that compensation has been awarded to the landowners from the date of award.

For the reasons mentioned above, while upholding the

amount of compensation awarded, in my opinion, the landowners are entitled to statutory benefit under Section 23(1A) of the Act. Ordered accordingly. The award of the learned Reference Court is modified to that extent.

The appeals are disposed of accordingly.”

Accordingly, the present appeal is also disposed with the above said terms. However, it is clarified that the appellant shall not be entitled for interest on the enhanced compensation for the delay period of 1159 days in filing the appeal.

AUGUST 31, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No