

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

RFA No. 3374 of 2018 (O & M)

Date of decision: 09.08.2018

Om Parkash and another

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Ajay Saini, Advocate,
for Mr. Vijay Singh, Advocate,
for the applicant-appellants.

G.S.SANDHAWALIA, J. (Oral)

Exemption Application

Allowed as prayed for.

C.M. No. 7499-CI of 2018

This is an application seeking condonation of delay of 1601 days in filing the accompanying appeal. Learned counsel for the applicants concedes at the outset that the explanation rendered in the application hardly constitute any sufficient cause. However, 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 v. State of Haryana and another' and other connected matters. He submits that the Land Acquisition Collector had assessed the value of the acquired land upto the depth of 2 acres from the road @ Rs.33,00,000/- per acre and the land situated beyond 2 acres was evaluated @ Rs.18,00,000/- per acre. However, the claims of the landowners under Section 18 of the Land Acquisition Act were dismissed by the Reference Court as the compensation awarded by the Collector was affirmed. But, it is urged that in

the appeals preferred by the claimant-landowners against the award rendered by the Reference Court, this Court, vide order and judgment dated 22.12.2015, rendered in RFA No.1515 of 2014 'Harijan Co-operative Society Ltd. Vs. State of Haryana and another' and other connected matters, though maintained the assessment as regards the land abutting the road upto the depth of 2 acres @ Rs.33,00,000/- per acre but the compensation qua the land situated beyond 2 acres was enhanced to from Rs.18,00,000/- per acre to Rs.24,75,000/- per acre. 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.

Notice of the application.

Ms. Vibha Tewari, AAG, Haryana, present in court, accepts notice on behalf of the respondents. Copies furnished. 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 v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, the delay of 1601 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal, the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

C.M. No. 7501-CI of 2018 and RFA No. 3374 of 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 appellants shall not be entitled to interest on the

enhanced compensation for the period of delay in filing the appeal i.e. 1601 days.

09.08.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No