IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.3830 of 2018 (O&M)
Decided on : 13.11.2018

Balwan Singh

... Appellant

Versus

State of Haryana and others

... Respondents

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

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

G.S. Sandhawalia, J. (Oral)

CM-8751-CI-2018

Application for condonation of delay of 1370 days in filing the appeal has been filed.

Notice in the application.

Ms. Vibha Tewari, AAG, Haryana accepts notice on behalf of the respondents-State.

Counsel for the appellant submits that the matter is covered by the judgment passed in **RFA No.1427 of 2014 'Rajat and another Vs. State of Haryana and others'** decided on 12.02.2016 (Annexure A-2).

Counsel for the State admits regarding the said factual aspect. It is further pointed out that the landowners have also been unsuccessful before the Apex Court in **SLP No.16577 of 2016 'Rampal Vs. State of Haryana'**.

Accordingly, keeping in view the averments made in the application and in view of the fact that the interest of the State can be

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protected by denying the appellant the benefit of interest for 1370 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 same is allowed.

The delay of 1370 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 appeal arises out of the Award of the Reference Court, Jhajjar dated 31.03.2014, whereby a sum of ₹14,15,241/- per acre alongwith statutory benefits was awarded for the notification dated 19.11.2014 under Section 4 & 6 read with Clause (c) of sub-Section (2) of Section 17 of the Land Acquisition Act, 1894, whereby land was acquired for the development of Express Highway in village Bupania, Tehsil Bahadurgarh, District Jhajjar. Severance charges to the extent of 20% was also awarded. In the case of Rajat (supra), the amount has further been enhanced to ₹19,91,300/- per acre alongwith 40% severance charges. The operative part of the judgment passed in the said case reads as under:-

> *"Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that this batch of appeals deserve to be partly accepted and the same*

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are hereby allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.19,91,300/- per acre, i.e. Rs.(12,50,000+4,41,300+3,00,000) from the date of notification under Section 4 of the Act. The land owners are also held entitled to receive the 40% of the market value on account of severance charges. Besides this, the land owners shall be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all the aforesaid appeals stand partly allowed, in the afore-said terms, however, with no order as to costs."

Resultantly, to maintain parity, the present appeal is also allowed in the same terms. It is made clear the appellant shall not be entitled for the benefit of interest on the enhanced compensation for the delay period of 1307 days.

(G.S. SANDHAWALIA)
JUDGE

NOVEMBER 13, 2018
Naveen

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*

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