

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RFA No.390 of 2018 (O&M)
Date of Decision:30.01.2018

Mool Chand and others

....Appellants

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Rajender Kumar, Advocate for
Mr. M.S. Tewatia, Advocate
for the appellants.

G.S. SANDHAWALIA, J. (ORAL)

CM-991-CI of 2018

Application for condonation of delay of 2153 days in filling the present appeal has been filed against the award dated 30.11.2011, on the ground that the similar matters had been pending before this Court as well as the Apex Court.

Notice of the application.

Ms. Safia Gupta, AAG, Haryana and Mr. P.S. Saini, Advocate accept notice on behalf of respondent Nos.1 & 2 and 3 & 4, respectively.

Though the application, as such, does not contain sufficient cause but the fact remains that keeping in view the judgments of the Apex Court in *Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (deceased) through LRs Vs. Haryana State & others 2015 (2) RCR (Civil) 507*, equities could be balanced by denying the interest on the enhanced compensation for the period of delay in filing the appeal. The present application is thus liable to be allowed.

Accordingly, the present application is allowed, with the condition that for the period of delay in filing the appeal, the applicants-appellants shall not be entitled for any interest on the amount of enhanced compensation.

CM-992-CI of 2018

Application for treating the present appeal as urgent in view of RFA No.594 of 2012 decided on 28.03.2016 arising out of the same notification had already been decided in case bearing RFA No.2322 of 2011 titled as *Usha Rani and others Vs. State of Haryana and others*, has been filed.

It is accordingly contended that though this Court enhanced the compensation to Rs.48,57,000/- per acre but the Apex Court vide order and judgment dated 21.09.2017, rendered in SLP(C) Nos.20497-20500 of 2016 [Bharti and another Vs. State of Haryana and others], has reduced the compensation awarded to Rs.32,62,500/-.

In view of the above averments, application is allowed.

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The learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by the Supreme Court in Bharti's case (supra). Accordingly, 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. 2153 days.

30.01.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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