

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

(1) RFA No.3914 of 2018 (O&M)

Smt. Samakaur ... Appellant
Versus
State of Haryana & others ... Respondents

(2) RFA No.3915 of 2018 (O&M)

Smt.Samakaur ... Appellant
Versus
State of Haryana & others ... Respondents

Decided on : 18.12.2018

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

Present: Mr. Deepender Ahlawat, Advocate, for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Vikas P. Singh, Advocate, for respondent no. 3.

G.S.SANDHAWALIA, J. (Oral)

Applications for condonation of delay in filing

Applications have been filed for condonation of delay of 2258 days in filing the appeal against the award dated 11.11.2011 passed by the Reference Court, Jhajjar.

Keeping in view the law laid down by the Apex Court in **Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133** and **Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127**, delay is condoned, subject to the condition that the appellant shall not be entitled for the benefit of interest from the date of award till the date of filing of the appeals.

CMs stand disposed of.

RFA No. 3914 & 3915 of 2018

The present appeals has been preferred against the award dated 11.11.2011 of the Reference Court, Jhajjar, whereby, the Reference Court has declined to grant the benefit of enhancement from Rs.16,00,000/- per acre which was awarded by the Land Acquisition Collector.

Counsel for the appellant submits that in RFA-266-2012 titled *Joginder Singh Tokash & others Vs. State of Haryana & others*, decided on 04.02.2016, a Co-ordinate Bench of this Court fixed the market value @ Rs.29,00,400/- per acre. It is pointed out that in **Civil Appeal No. 8757 of 2016, Arawali Power Company Private Ltd. vs. Joginder Singh Tokash and others** decided on 05.09.2017 before the Apex Court, the amount of compensation which was awarded by this Court i.e. Rs.29,00,400/- per acre has been scaled down to Rs.25,00,000/- per acre along with statutory benefits. Relevant portion of the same reads thus:-

“In the peculiar facts and circumstances of the case, we find that it would be appropriate to make approximately 15% deduction towards development and in the facts and circumstances of the case, we grant compensation at the rate of Rs.25,00,000/- (Rupees twenty five lakhs only) per acre alongwith statutory benefits.

Consequently the appeals filed by the Company are partly allowed and the cross appeals/cross objections preferred by the owners are hereby dismissed. No costs.”

Accordingly, keeping in view the said facts and to maintain parity, the present appeals are also allowed and the appellant is held

entitled for the said amount i.e. Rs.25,00,000/- per acre alongwith all statutory benefits. However, the applicants-appellant shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeals i.e. 2258 days.

December 18th, 2018
sailesh

(G.S.SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>