

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

RFA No. 437 of 2018 (O & M)

Date of decision: 08.02.2018

Gindori

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Ashish Gupta, Advocate,
for the appellant.

Ms. Safia Gupta, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present judgment shall dispose of two appeals i.e. RFA Nos. 437 and 438 of 2018 as common questions of facts and law are involved in both the cases. Reference is being made to ***RFA No. 437 of 2018, Gindori vs. State of Haryana and others.***

C.M. Nos. 1129-30-CI-2018 in RFA Nos. 437 & 438 of 2018 respectively

Applications have been seeking condonation of delay of 1570/1575 days in filing the appeal.

Learned counsel for the applicants concedes at the outset that the explanation rendered in the application hardly constitutes any sufficient cause. However, it is urged that the matter in issue is squarely covered by an order and judgment dated 22.09.2015, rendered in ***RFA No. 6719 of 2013, titled "Surat Singh and others v. State of Haryana and other*** and other connected matters, vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimant/landowners to Rs. 35,00,000/- per acre. Further, he submits that in

the appeals preferred against the decision of this Court in *Surat Singh's case* (*supra*), the Supreme Court vide order and judgment, dated 14.11.2017, rendered in Civil Appeal Nos. 19366-19367 of 2017 (***Satish Kumar and another v. State of Haryana and another***) and other connected matters, has further enhanced the compensation to Rs.40,00,000/- per acre. Therefore, he submits that the present appeal too is required to be disposed of in terms of the decision of the Supreme Court in the matter referred to above.

The factual position as set out above, is not disputed by the learned State counsel.

I have heard learned counsel for the parties and perused the records.

In the wake of the decision of Hon'ble the Supreme Court in ***Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) R.C.R. (Civil) 437*** and ***Dhiraj Singh (D) Tr. LRs v. Haryana State and others, 2015 (2) R.C.R. (Civil) 507***, delay of 1570/1575 days in filing the accompanying appeals is condoned. However, to balance the equities, for the period of delay, the applicant/appellants shall not be entitled to interest on the enhanced compensation.

Civil miscellaneous applications stand disposed of.

RFA Nos. 437 and 438 of 2018

Relevant part of the order of the Apex Court dated 14.11.2017 reads thus:-

"9. Considering the aforesaid sale exemplars, we are of the opinion that the prayer made by the appellants for grant of compensation @ Rs.40,00,000/- per acre instead of Rs.35,00,000/- per acre, deserves to be allowed. Accordingly, the compensation granted by

the High Court of Rs. 35,00,000/- per acre is enhanced to Rs.40,00,000/- per acre, with all statutory benefits.

10. *The appeals are allowed accordingly.*

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 *Satish Kumar's case (supra)* and the present appeals are disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal, i.e. 1570/1575 days.

08.02.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No