

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

RFA No. 439 of 2018 (O & M)

Date of decision: 20.03.2018

Kishan Singh

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

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

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 1133-CI of 2018

Application seeking exemption from filing certified copy of
award dated 30.11.2011 is allowed, subject to all just exceptions.

C.M. No. 1131-CI of 2018

Application for condonation of delay of 2157 days in filling the
present appeal has been filed against the award dated 30.11.2011, on the
ground that the similar matters have already been decided by this Court as
well by as the Apex Court.

Notice of the application.

Mr. Shivendra Swaroop, 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.

C.M. No. 1132-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 having 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.

RFA No. 439 of 2018

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. 2157 days.

20.03.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No