

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

RFA No. 443 of 2018 (O & M)

Date of decision: 20.03.2018

Gokal (D) through L.Rs. and others

....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 petitioners.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 1153-CI of 2018

Application seeking exemption from filing certified copy of award dated 25.08.2011 and true typed copy of order dated 19.08.2016 is allowed, subject to all just exceptions.

C.M. No. 1151-CI of 2018

Application for condonation of delay of 2254 days in filling the present appeal has been filed against the award dated 25.08.2011, 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. 1152-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. 443 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. 2254 days.

20.03.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No