

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA Nos. 5498 and 5582 of 2017 (O & M)

Date of decision: 03.04.2018

Dharampal (D) through L.Rs.

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

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

Ms. Safia Gupta, AAG, Haryana.

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

G.S.SANDHAWALIA, J. (Oral)

Exemption Applications

Applications seeking exemption from filing certified copies of Awards dated 01.10.2011/11.11.2011 are allowed, subject to all just exceptions.

Delay Applications

Applications have been filed for condonation of delay of 2060/2018 days in filing the appeals.

In view of the judgments of the Supreme Court in *Imrat Lal and others vs. Land Acquisition Collector and others, 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (D) through L.Rs. vs. Haryana State and others, 2015 (2) RCR (Civil) 507*, delay of 2060/2018 days in filing the appeals is condoned. However, it is clarified that the applicants-appellants shall not be entitled for the benefit of interest on the enhanced compensation

for the period of delay in filing the appeal i.e. 2060/2018 days.

C.Ms. stand disposed of.

RFA Nos. 5498 and 5582 of 2017

The present order shall dispose of two appeals i.e. RFA Nos. 5498 and 5582 of 2017, since common questions of facts and law are involved in both the appeals.

The present appeals arise out of the awards of the Reference Court, Jhajjar dated 01.10.2011/11.11.2011 whereby, the Reference Court has refused to grant the benefit of enhancement from Rs.16,00,000/- per acre which was awarded by the Land Acquisition Collector.

Counsels point out that the notification under Section 4 of the Land Acquisition Act, 1894 dated 16.01.2007 was subject matter of consideration 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 reduced to Rs.25,00,000/- per acre. 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 appeal is also allowed and the appellants are entitled for the said amount i.e. 25,00,000/- per acre alongwith all statutory benefits. However, the applicants-appellants shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeals i.e. 2060/2018 days.

03.04.2018 shivani	(G.S. SANDHAWALIA) JUDGE
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Whether reasoned/speaking	Yes/No
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Whether reportable	Yes/No
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