

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

**RFA No.5579 of 2017 (O&M)
Decided on : 21.03.2018**

Tek Chand and others

...Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Jangvir S. Hooda, Advocate
for the appellants.

G.S. Sandhawalia, J. (Oral)

CM-13836-CI-2017

Application is allowed, as prayed for.

CM stands disposed of.

CM-13835-CI-2017

Application under Section 5 of the Limitation Act, 1963 read with Section 151 for condonation of delay 2346 days in filing the present appeal against the Award dated 22.12.2010 passed by Additional District Judge, Palwal pertaining to land of village Baminika, Tehsil Palwal, District Faridabad regarding the notification dated 25.08.2005 under Section 4 of the Land Acquisition Act, 1894.

Notice of the application.

Ms. Safia Gupta, AAG, Haryana accepts notice on behalf of the respondent-State. Copy of the paper-book has been supplied to her.

Counsel for the applicant-appellant submits that the matter has been decided by the Apex Court in SLP (C) No.20497-20500-2016 titled

Bharti and another Vs. State of Haryana and others and the State Appeals were allowed on 21.09.2017.

In view of the fact that the matter stands covered and the interest of the State can be protected by denying the appellants the benefit of interest for 2346 days in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the application is allowed.

The delay of 2346 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

It is not disputed that this Court, while disposing of a bunch of cases on 28.03.2016, the lead case of which was **RFA-2322-2011** titled '**Usha Rani & others Vs. State of Haryana & others**', had enhanced the compensation from ₹12,50,000/- to ₹48,57,000/- per acre. The matter was taken to the Apex Court by both sides in **SLP (C) Nos.20497- 20500-2016** titled '**Bharti & another Vs. State of Haryana & others**', and the State Appeals were allowed on 21.09.2017 and reduction had been done by putting a cut on the enhancement, to the tune of 30-33% and compensation had been reduced to ₹32,62,500/- per acre.

Relevant portion of the judgment reads as under:

“In the facts of the case considering its situation for development and smallness of comparable land we deduct approximately 32 to 33 % of amount. We reduce the compensation, as determined by the High Court, to Rs.32,62,500/- per acre for aforesaid villages of District Palwal. The amount of compensation awarded at the aforesaid rate, to carry the statutory benefits. The amount which has not been paid so far be paid within a period of three months from today.

The appeals filed by the State are allowed to the aforesaid extent, and that by the landowners are also, accordingly, disposed of.”

Accordingly, the present appeal is allowed, by modifying the order of the Reference Court, enhancing the amount of compensation to the tune of ₹32,62,500/- per acre along with all statutory benefits. The said amount be paid within a period of 3 months, from today. The benefit of interest for the delay period of 2346 days is not to be granted to the appellants.

MARCH 21, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No