

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

**RFA No.586 of 2017 (O&M)
Decided on : 22.03.2018**

Bittoo

... Petitioner

Versus

State of Haryana and others

... Respondent

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

Present : Mr. Chiranshu Bansal, Advocate for
Mr. Rakesh Gupta, Advocate for the appellant.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate for respondent-HSIIDC.

G.S. Sandhawalia, J. (Oral)

CM-1626-CI-2017

Application is allowed, as prayed for.

CM stands disposed of.

CM-1625-CI-2017

Application under Section 5 of the Limitation Act for
condonation of delay of 964 days in filing the present appeal has been filed.

Notice of the application.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on
behalf of the respondent-State. Copy has been supplied to him.

Counsel for the appellant submits that the matter is covered by
the judgment passed in **RFA No.3365 of 2014 'Kanwar Vs. State of
Haryana and others'** decided on 15.02.2016.

In view of the fact that the matter stands covered and the
interest of the State can be protected by denying the appellant the benefit of

interest for 964 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 964 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

Main appeal

The appeal arises out of the Award dated 10.01.2014 passed by the Reference Court, Karnal pertaining to notification dated 27.04.2006 under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'). The Reference Court has awarded ₹47,74,000/- per acre for the land situated on G.T. Road upto 2 acres and ₹38,19,520/- per acre for the remaining land.

In RFA No.3365 of 2014 **'Kanwar Vs. State of Haryana and others'** decided on 15.02.2016 while dealing with the said acquisition, the Coordinate Bench has fixed the market value @ ₹1,609/- per square yard and that would come to ₹77,87,560/- per acre.

Counsel for the State points out that **SLP Nos.14548-14560 of 2016 'Jagdish and others Vs. State of Haryana and others'** was also dismissed on 19.09.2017.

Accordingly, the present appeal is allowed and the benefit is

granted as per the judgment passed in the case of **Kanwar (supra)**. The benefit of interest for the delay period of 964 days is not to be granted to the appellant.

MARCH 22, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>