

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

**RFA No.521 of 2018 (O&M)
Decided on : 04.05.2018**

Kuda Ram (since deceased) through his L.Rs

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. B.K. Bagri, Advocate
for the appellants.

Ms. Safia Gupta, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-1369-CI-2018

The present application has been filed for condoning the delay of 942 days in filing the appeal.

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 (D) Th. LR.s. Vs. Haryana State & others'** 2015 (2) RCR (Civil) 507, that the 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 liable to be allowed.

Accordingly, the present application is allowed, with the condition that for the period of delay in filing the appeal, the appellants

shall not be entitled for any interest on the amount of enhanced compensation.

CM stands disposed of.

Main appeal

The present appeal is directed against the Award dated 19.12.2014, whereby the Reference Court, Rewari has granted compensation @ ₹20 lakhs per acre alongwith all statutory benefits for the land falling in village Bharawas, Tehsil and District Rewari, which was acquired vide notification dated 06.07.2006 under Section 4 of the Land Acquisition Act, 1894.

It is the case of the appellants that **RFA No.824 of 2012 'Smt. Bhagwani and others vs. State of Haryana and others'** alongwith bunch of other connected matters has been decided on 05.02.2016, whereby the market value of the land has been enhanced to ₹29,31,174/- per acre alongwith all statutory benefits for the same notification dated 06.07.2006. The purpose of the acquisition was for construction of Rewari Drain. The relevant observations are as under:-

“Land owners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.29,31,174/- per acre from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all the aforesaid appeals stand disposed of, in the above-said terms, however, with no order as to costs.”

Counsel for the State also could not dispute the said fact and

also whether the said order has been further modified or not.

Resultantly, the present appeal is liable to be allowed by enhancing the compensation to ₹29,31,174/- per acre alongwith all statutory benefits with the further condition that the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the delay period of 942 days.

Disposed of with the abovesaid terms

MAY 04, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No