

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

**RFA No.868 of 2018 (O&M)
Decided on : 05.04.2018**

Hari Singh (now deceased) through his L.R and another

... Appellant

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Rajender Kumar, Advocate for
Mr. M.S. Tewatia, Advocate for the appellants.

G.S. Sandhawalia, J. (Oral)

CM-2310-CI-2018

Application is allowed, as prayed for.

CM stands disposed of.

CM-2311-CI-2018

Application under Volume-V Chapter 1 C Rule 2 of High Court Rules and Orders read with Section 151 CPC has been filed for impleading the legal representatives of deceased Hari Singh-appellant No.1, who is stated to have expired on 23.06.2010 leaving behind son Om Chand as his legal representative. It has been averred that there is no other legal heir. Application is duly supported by affidavit of Om Chand son of deceased Hari Singh.

Accordingly, in view of the averments made in the application, duly supported by the affidavit, the same is allowed and Om Chand son of deceased Hari Singh is permitted to pursue the present litigation only.

CM stands disposed of.

CM-2308-CI-2018

The present application has been filed for condoning the delay of 2209 days in filing the appeal against the award dated 30.11.2011, passed by the Addl.District Judge, Palwal, whereby he has dismissed the reference petition under Section 18 of the Land Acquisition Act, 1894 (for short, the 'Act') and maintained the amount of compensation @ Rs.12,50,000/- per acre.

It has been averred in the application that the appellants came to know that this Court has enhanced the compensation for the acquired land vide notification issued under Section 4 of the Act dated 25.08.2005, for construction of Kundli-Manesar-Palwal Expressway (for short 'KMP Expressway'), to be constructed by the Haryana State Industrial & Infrastructure Development Corporation. It is submitted that the appellants also came to know that the Apex Court has reduced the compensation and the delay in filing the appeal was neither intentional nor willful. In such circumstances, the present application has been filed.

Notice of the application.

Mr. Shivendra Swaroop, AAG, Haryana and Mr. Pritam Singh Saini, accept notice on behalf of respondents No.1 & 2 and 3 & 4, respectively. Copies have been supplied.

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. LRs. 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 applicant-appellants shall not be entitled for any interest on the amount of enhanced compensation.

CM-2309-CI-2018 & RFA No.868 of 2018

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 Rs.12,50,000/- to Rs.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 Rs.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 Rs.32,62,500/- per acre along with all statutory benefits. The said amount be paid within a period of 3 months, from today. It is, however, made clear that the appellants shall not be entitled for interest on the enhanced compensation for the delay period of 2209 days.

APRIL 05, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No