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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 117/2013

RANBIR SINGH & ORS Appellants

Through: Mr. S.S. Gulia, Adv.

Versus

UNION OF INDIA & ORS Respondents

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil Kumar Jha, Mr. Kushal Raj Tater & Mr. Shashikant Maurya, Advs. for R-1.
Mr. Kunal Sharma & Shubhendu Bhattacharya, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **19.09.2018**

1. This appeal under Section 54 of the Land Acquisition Act, 1894 impugns the judgment and decree [dated 20th March, 2016 in LAC No.443/2004 of the Court of Additional District Judge, Delhi] on a Reference under Section 18 of the Act and seeks further enhancement in compensation.
2. The appeal was accompanied with an application for condonation of delay in filing thereof.
3. The appeal came up first before this Court on 28th May, 2013 when notice only of applications for condonation of delay in filing the appeal and for condonation of delay in applying for substitution of legal heirs was ordered to be issued. Thereafter, the appeal has been adjourned awaiting the judgment in the Reference made to the larger bench on the principles to be adopted in condonation of delay in such matters.
4. The Reference has since been decided vide judgment reported as *Tej Pratap Singh Vs. UOI* (2018) 249 DLT 670.

5. The counsel for the appellants on the last date of hearing stated that in LA. APP.No.193/2006 titled ***Pratap Singh Vs. Union of India*** decided on 19th December, 2008, the compensation with respect to other land acquired vide the same award and notification has been determined and the said determination has attained finality. On request of the counsel for the respondent no.1 Union of India (UOI) for time to verify the same, the hearing was adjourned to today.
6. Today, the counsel for the respondent no.1 UOI confirms that the enhancement in compensation claimed in this appeal would be covered by ***Pratap Singh*** supra.
7. The stand of the counsel for the respondent no.2 Delhi Development Authority is also the same.
8. In the spirit of principle of parity enshrined in Section 28A of the Act, it is deemed appropriate to condone the delay aforesaid subject to the appellants paying costs and subject to the appellants being not entitled to interest on enhancement for the period of delay.
9. The appeal is thus allowed in terms of ***Pratap Singh*** supra, enhancing the compensation as enhanced in ***Pratap Singh***. However, the appellants shall not be entitled to interest on the enhancement for the period of delay.
10. Decree sheet be prepared subject to the appellants paying enhanced court fees if any and further subject to the appellants, within four weeks hereof, paying costs of Rs.25,000/- to the counsel for the respondent no.1 UOI.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 19, 2018

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