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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 99/2017 & CM No.8890/2017 (for condonation of 2567 days delay in filing the appeal)

PHOOLWATI Appellant

Through: Mr. Raghuvinder Godara, Adv.

Versus

UNION OF INDIA & ANR Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Adv. for R-1/UOI.

Mr. Shubhendu Bhattacharyya, Adv.
for Mr. Kunal Sharma, Adv. for R-
2/DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.08.2018

1. This matter was pending at the stage of admission awaiting the outcome of the reference made to the Full Bench vide order dated 6th September, 2016 in LA. APP. 672/2011. The judgment on the reference has since been passed on 13th April, 2018.

2. However, while hearing another matter, the counsel for the respondent Union of India (UOI) was requested to furnish particulars of “covered” matters pending for consideration.

3. The counsel for the respondent UOI, in pursuance thereto had furnished the particulars and the Registry was directed to list the said matters in the Cause List in the category of ‘After Notice Miscellaneous Matters’. The Court Master was also directed to telephonically inform the Advocates for private parties of the matters so ordered to be listed.

4. In accordance with the said direction, this matter was listed on 8th August, 2018 along with certain other matters but on which date, time did not permit the matter to be considered and the matters were adjourned to today.
5. The counsel for the appellant states that the subject land admeasures only one bigha.
6. The counsel for the respondent UOI states that this matter pertains to land acquired in Village Pochanpur, compensation with respect to which was determined vide Award No.30/2002-2003 and though the compensation with respect to land subject matter of this appeal was enhanced in appeals preferred by others whose land was acquired by the same Notification and Award and the matter stands settled with the outcome of Civil Appeal No.2091/2014 titled ***Impulse India P. Ltd. & Ors. Vs. Union of India*** of the Supreme Court but this appeal is accompanied with application for condonation of 2567 days delay in filing thereof. It is contended that the appellant is a fence-sitter and ought not to have the benefit of enhancement.
7. The counsel for the appellant confirms that the matter is covered as aforesaid.
8. In the spirit of the principle of parity, it is deemed appropriate to condone the delay in preferring the appeal, subject to the appellant paying costs of Rs.3,000/- to the counsel for the respondent UOI and further subject to the appellant being not entitled to interest for the period of delay.
9. CM No.8890/2017 is disposed of.
10. The appeal is allowed; the compensation is enhanced in terms of ***Impulse India P. Ltd.*** supra.

11. The appellant shall however not be entitled to interest for the period of delay.

12. Decree sheet be drawn up subject to the costs aforesaid being paid within four weeks.

RAJIV SAHAI ENDLAW, J.

AUGUST 14, 2018

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