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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 114/2016, CM No.18555/2016 (u/S 2 of Chapter 1 Part 1C of Delhi High Court Rules) & CM No.18556/2016 (for condonation of 1610 days delay in filing the appeal)

SUKHBIR SINGH & ANR

..... Appellants

Through: S.K. Rout, Onkar Prasad & Mr. Aman Mehrotra, Advs.

Versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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05.09.2018

1. This appeal under Section 54 of the Land Acquisition Act, 1894 impugns the judgment and decree in a Reference under Section 18 of the Act and seeks further enhancement in compensation.
2. The appeal is accompanied with an application for condonation of delay of 1610 days in filing thereof and is listed next on 13th September, 2018.
3. The counsel for the respondent no.1 Union of India (UOI) on request of this Court to furnish particulars of 'covered' matters pending consideration, 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 the private parties of the matters so ordered to be listed.
4. The appeal is listed today in terms of above.
5. The counsel for the appellants appears.

6. The counsel for respondent no.1 UOI states that this matter pertains to land acquired in village Pochanpur, compensation with respect to which was determined vide Award No.30/2002-03. It is further stated that compensation with respect to other land acquired vide the same notification and award was enhanced by this Court as well as further enhanced by the Supreme Court vide judgment in *Impulse India Pvt. Ltd. Vs. Union of India* 2016 (12) SCALE 396.
7. The counsel for respondent no.1 UOI however states that the appellants are fence sitters and have preferred this appeal long after pronouncement on 13th February, 2014 of *Impulse India Pvt. Ltd.* supra.
8. The counsel for the appellants states that before the Reference Court there were three petitioners; that the third petitioner died after the pronouncement of the impugned judgment and his heirs also died and now the present two appellants are the heirs of the third claimant and have filed an application in this regard.
9. 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.
10. CM No.18556/2016 is disposed of.
11. The appeal is allowed in terms of *Impulse India Pvt. Ltd.* supra and the compensation for the acquired land of the appellants is enhanced as enhanced by the Supreme Court in *Impulse India Pvt. Ltd.* supra. However, the appellants shall not be entitled to interest on enhancement for the period of delay of 1610 days.

12. Decree sheet be prepared subject to appellants paying costs of Rs.25,000/- to the counsel for respondent no.1 UOI within four weeks hereof.

13. The date already given on 13th September, 2018 is cancelled.

14. Trial court record, if requisitioned, be returned.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 05, 2018

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