

\$~31

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

+ LA.APP. 164/2016 & CM No.22599/2016 (for condonation of 1981 days delay in filing the appeal)

YOGESH KUMAR & ANR Appellants

Through: Mr. Paritosh Tomar, Adv.

Versus

UNION OF INDIA & ANR Respondents

Through: Mr. Sanjay K. Pathak, Mrs. K. Kaomudi
Kiran, Mr. Sunil K. Jha and Mr. M.S.
Akhatar, Advs. 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

%

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 consideration before Court.

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,
LA.APP. 164/2016

Page 1 of 2

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 appellants appears.

6. The counsel for the respondent UOI states that this matter pertains to land acquired in Village Bamnoli, compensation with respect to which was determined vide Award No. 1/2007-2008 and that in appeals preferred by others whose land was acquired vide the same Notification and Award, the compensation has been enhanced and the matter stands settled vide order of the Supreme Court in Civil Appeal No.10982-11033/2014 titled ***Charan Singh & Ors. Union of India & Anr.*** It is however stated that there is a delay of 1981 days in preferring this appeal and the appellants being fence-sitters are not entitled to the benefit of the enhancement given to the others.

7. The counsel for the appellants 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 appellants paying costs of Rs.5,000/- to the counsel for the respondent UOI and further subject to the appellants being not entitled to interest for the period of delay. Low cost has been imposed considering the size of the holding of appellants.

9. CM No.22599/2016 is disposed of.

10. The appeal is allowed; the compensation is enhanced in terms of ***Charan Singh*** supra.

11. The appellants 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/bs..

LA.APP. 164/2016

Page 2 of 2