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

+ LA.APP. 507/2015 & CM No.31625/2015 & CM No.31626/2015
(both for condonation of 2371 days delay in filing the appeal and 157 days delay in re-filing the appeal respectively)

OM PRAKASH & ANR Appellants

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

Versus

UNION OF INDIA & ANR Respondents

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

Mr. Kunal Sharma and Ms. Himanshi
Mishra, Advs. for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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09.08.2018

1. This appeal under Section 54 of the Land Acquisition Act, 1894 impugns the judgment and decree dated 5th August, 2008 in LAC No.54-A/2006 of the Court of Additional District Judge (LAC), in Reference under Section 18 of the Act, enhancing the compensation awarded for acquisition of land in village Dhool Siras, New Delhi from Rs.13,82,000/- per acre to Rs.15,00,000/-.

2. The appeal is accompanied with an application for condonation of delay of 2371 days delay in filing and 175 days delay in re-filing the appeal.

3. The counsels state that on appeals preferred by others whose land was acquired vide the same Notification and Award, this Court enhanced the compensation to Rs.16,50,000/- per acre and the Supreme Court has ultimately enhanced the compensation to Rs.21,00,000/- per acre.

4. The counsel for the respondent no.1 states that this appeal has been preferred after the judgment of the Supreme Court and the appellants are fence-sitters and the applications do not disclose any ground whatsoever for condonation of delay aforesaid, lest sufficient cause.
5. Be that as it may, in the spirit of the principle of parity, it is deemed expedient to condone the delay subject to the appellants paying costs of Rs.30,000/- to the counsel for the respondent no.1 and further subject to the condition that the appellants shall not be entitled to interest on the enhancement for the period of delay.
6. Accordingly, CMs No.31625/2015 & 31626/2015 are allowed on the above terms.
7. The appeal is allowed in terms of the judgment of the Supreme Court in *Impulse India P. Ltd. Vs. Union of India* MANU/SC/1316/2014 and the compensation awarded is enhanced as ordered by the Supreme Court. It is however, made clear that the appellants shall not be entitled to interest, on the enhanced compensation and enhanced solatium, for the period of delay.
8. Subject to the appellants paying costs as aforesaid within six weeks of today, decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

AUGUST 09, 2018
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