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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 296/2017 & CM No.32738/2017 (for condonation of delay
of 3830 days in filing the appeal)
HOSHIAR SINGH (DECEASED) THR LRS Appellant
Through: Mr. Pramod Kumar, Adv.
Versus
UNION OF INDIA & ANR Respondents
Through: Mr. Sanjay Kumar Pathak, Adv. for
UOI.
Mr. Praveen Kumar Jain & Ms.
Rashmi Kumari, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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06.09.2018

1. This appeal under Section 54 of the Land Acquisition Act, 1894 impugns the judgment and decree [dated 1st December, 2007 in LAC No.349/2005 (New), No.181/2000 (Old) of the Court of Additional District Judge, Delhi] on a Reference under Section 18 of the Act determining the compensation at the rate of Rs.1,09,500/- per bigha.
2. The appeal is accompanied with an application for condonation of delay of 3830 days in filing thereof.
3. Notice of the appeal and the application were issued and the counsel for the respondent no.1 Union of India (UOI) appears.
4. The counsel for the appellant states that compensation with respect to other land acquired vide the same notification and award has been determined by this Court at Rs.1,20,500/- per bigha vide judgment dated 23rd October, 2008 in LA.APP. No.69/2007 titled ***Fateh Singh Vs. Union of India*** and other connected appeals and which has attained finality.

5. The counsel for the respondent no.1 confirms but states that the appellant is a fence sitter and has preferred this appeal after more than nine years of the judgment aforesaid.

6. In the spirit of principle of parity enshrined in Section 28A of the Act, it is deemed appropriate to condone the delays aforesaid subject to the appellant paying costs and subject to the appellant being not entitled to interest on enhancement for the period of delay.

7. Accordingly, the delays in filing the appeal are condoned and CM No.32738/2017 is disposed of.

8. The appeal is allowed in terms of ***Fateh Singh*** supra and the appellant shall be entitled to enhancement in compensation in terms of ***Fateh Singh*** supra. However, the appellant shall not be entitled to interest on enhancement for the period of delay of 3830 days.

No costs.

Decree sheet be prepared subject to the appellant paying costs of Rs.30,000/- to the counsel for the respondent no.1 UOI within four weeks hereof.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 06, 2018

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