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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP.392/2015 & CM No.22038/2015 (for condonation of 2165
days delay in filing the appeal)
JAI KUMAR JAIN Appellant

Through: Mr. Mohit Kumar Sharma & Mr.
Kartik Rai, Advs.

Versus

UNION OF INDIA & ORS 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. Notice of the appeal was ordered to be issued and the appeal is listed next on 11th 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 appellant appears.

6. The counsel for the respondent no.1 UOI states that this matter pertains to land acquired in village Mundka, compensation with respect to which was determined vide Award No.03/2005-06. It is further stated that though compensation with respect to other land acquired vide the same notification and award has been enhanced by this Court in ***Jamna Vs. Union of India*** 2011 SCC OnLine Del 2767 and which has attained finality but this appeal is accompanied with an application for condonation of delay of 2165 days in filing thereof.

7. 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 appellant paying costs and subject to the appellant being not entitled to interest on enhancement for the period of delay.

8. CM No.22038/2015 is disposed of.

9. The appeal is allowed in terms of ***Jamna*** supra and the appellant shall be entitled to enhancement in compensation in terms of ***Jamna*** supra. However, the appellant shall not be entitled to interest on enhancement for the period of delay of 2165 days.

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

11. The date already given of 11th September, 2018 is cancelled.

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

RAJIV SAHAI ENDLAW, J

SEPTEMBER 05, 2018/‘gsr’