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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LA.APP. 453/2015 & CM No.27439/2015 (for condonation of 1642
days delay in filing the appeal)
DHARAMBIR Appellant

Through: Mr. Paritosh Tomar, Adv.

Versus

UNION OF INDIA & ANR Respondents

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

Ms. Sapna Chauhan, Adv. for DDA.

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 1642 days delay in filing thereof and listed next on 12th 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 respondent no.1 UOI states that this matter pertains to land acquired in village Bamnoli compensation with respect to which was determined vide Award No.01/2007-2008.
7. The counsel for the appellant and the counsel for the respondent no.1 UOI state that compensation with respect to other land acquired vide the same notification and award has been enhanced and the matters stand settled by the Supreme Court vide order dated 11th December, 2014 in Civil Appeal Nos.10982-11033/2014 titled ***Charan Singh Vs. Union of India***.
8. The counsel for the respondent no.1 UOI however states that the appellant is a fence sitter and has filed this appeal after pronouncement of ***Charan Singh*** supra.
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 appellant paying costs and subject to the appellant being not entitled to interest on enhancement for the period of delay.
10. CM No.27439/2015 is disposed of.
11. The appeal is allowed in terms of ***Charan Singh*** supra and the appellant shall be entitled to enhancement in compensation in terms of ***Charan Singh*** supra. However, the appellant shall not be entitled to interest on enhancement for the period of delay of 1642 days.

No costs.

12. Decree sheet be prepared subject to the appellants paying costs of Rs.25,000/- to the counsel for the respondent no.1 UOI within four weeks hereof.
13. Trial court record, if requisitioned, be returned.
14. The date already given of 12th September, 2018 is cancelled.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 05, 2018

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