

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

224+228

(1) **RFA-141-2019 (O&M)**

Sarup Singh & anotherAppellants
Versus
State of Haryana & another ...Respondents

(2) **RFA-199-2019 (O&M)**

Kehar Singh & anotherAppellants
Versus
State of Haryana & another ...Respondents

Date of decision: 20.03.2019

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Vivek Khatri, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

Condonation of delay applications

Applications have been filed for condonation of delay of 1690 days in filing the present appeals.

Accordingly, keeping in view the fact that the interest of the State can be protected, in view of the judgments of the Apex Court passed in **Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133** and **Dhiraj Singh (D) through L.Rs. and others vs. Haryana State and others, 2014 (14) SCC 127**, in view of the averments made in the application, duly supported by affidavit delay of 1690 days in filing the appeals is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest for the said period.

CMs stand disposed of.

RFA-141 & 199-2019

Present appeals, filed under Section 54 of the Land Acquisition Act, 1894, are against the award dated 01.03.2014, passed by the Reference Court, Gurgaon, whereby the appellant has been granted a sum of Rs.1,75,00,000/- per acre along with all statutory benefits.

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Counsel submits that in RFA-6676-2012 titled *Gobind & another Vs. State of Haryana & others*, this Court had enhanced the compensation vide judgment dated 23.05.2016 (Annexure A-1) @ Rs.2,50,00,000/- per acre. In CA-11695-11727-2017 titled *State of Haryana & others Vs. Gobind & another*, decided on 05.09.2017, 15% cut has been put on account of development and the award has, accordingly, been modified. Relevant portion of the judgment reads as under:

“9. In our opinion, the deduction of 15% towards development would have been sufficient, which ought to have been made in the instant cases, in the peculiar facts of the case, considering the potentiality of the area in question and the development which has taken place all around. This order not be treated as a precedent in any other case. Thus, we modify the determination made by the High Court to the above extent only. Let deduction be made accordingly.”

Keeping in view the above facts, the present appeals are also disposed of, by assessing the market value @ Rs.2,12,50,000/- per acre, as per the judgment passed by the Apex Court, in the above terms. However, the benefit of interest for the period of delay of 1690 days in filing the appeals, will not be paid to the landowners on the enhanced compensation.

20.03.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No