

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

215)

**RFA-1199-2019 (O&M)
Date of Decision: 16.12.2019**

Raghbir

..... Appellant

Versus

State of Haryana and others

...Respondents

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

Present:- Ms. Gagandeep Kaur, Advocate, for
Mr. Sanjeev Kodan, Advocate,
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Vikas P. Singh, Advocate,
for respondent No.3.

G.S. SANDHAWALIA, J. (Oral)

CM-2934-C-2019

Application for condonation of delay of 2669 days in filing the
appeal has been filed.

Reply has not been filed to the said application by the
respondents.

Accordingly, keeping in view the averments made in the

application and in view of the fact that the interest of the State can be protected by denying the appellant the benefit of interest for 2669 days in view of the law laid down by the Apex Court in '***Imrat Lal and others Vs. Land Acquisition Collector and others'*** 2014(14) SCC 133 and in '***Dhiraj Singh (D) through LRs. And others Vs. Haryana State and others'*** 2015 (1) SCC (Civil) 236, the application is allowed, conditionally.

The delay of 2669 days in filing the appeal is condoned, with the condition that the appellant shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

RFA-1199-2019

Present appeal is directed against the award of the reference Court dated 01.10.2011 whereby the Reference Court, Jhajjar has not granted any enhancement for the land which was acquired vide notification dated 16.01.2007 for the construction of Aravali Power Company Private Ltd. Thermal Power Project. It is not in dispute that in RFA No. 266 of 2012 titled 'Joginder Singh Tokash vs State of Haryana and others' and connected matters, the Co-ordinate Bench had enhanced the compensation to Rs. 29,00,400/- per acre along with the statutory benefits available to them on 04.02.2016. The Apex Court in Civil Appeal No. 8757 of 2016 'Arawali Power Company Pvt. Ltd. vs. Joginder Singh Tokash and others', decided on 05.09.2017, fixed the market value at Rs. 25 Lakhs per acre, along with statutory benefits.

Resultantly, the present appeal is also disposed of in the above

terms. However, the landowners will not be entitled to interest on the enhanced compensation for the delayed period i.e. 2669 days.

(G.S. SANDHAWALIA)
JUDGE

16.12.2019
Satyawar

Whether reasoned/speaking: Yes
Whether reportable: no