

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.1113 of 2019 (O&M)

Date of Decision: 21.05.2019

Ashu Gupta

... Appellant

VS.

Land Acquisition Collector, PSPCL & Anr.

... Respondents

RFA-1864-2019 (O&M)

Date of Decision: 21.05.2019

Ravi Luthra & Ors.

... Appellants

VS.

Land Acquisition Collector, PSPCL & Anr.

... Respondents

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

Present: Mr. Abhinav Jain, Advocate for the appellant

Mr. Mansur Ali, Advocate for respondent No.2

Ms. Simran Grewal Randhawa, AAG Punjab

G.S. SANDHAWALIA, J. (Oral)

Applications for hearing the appeals in urgent list

Applications filed under Section 151 CPC praying for hearing the appeals in the urgent list is allowed.

CMs stand disposed of.

Delay in filing

Applications have been filed seeking condonation of delay of 2037-2043 days in filing the accompanying appeals.

All what has been urged by counsel for the appellants is that the matter in issue is squarely covered by the judgment dated 16.02.2016, rendered by this Court in RFA No. 1931 of 2014 (***Power Grid Corporation India Limited Vs. Ajmer Singh & Anr.***) and other connected cases, vide

enhanced the compensation awarded to the land owners and as a necessary consequence the appeals preferred by the Power Grid Corporation India Limited were dismissed.

The factual position, as set out above, is not disputed by learned State counsel as well as counsel for respondent No.2.

I have heard learned counsel for the parties and perused the record.

In the wake of the decision of Hon'ble Supreme Court in ***Imrat Lal & Ors. Vs. Land Acquisition Collector & Ors.***, 2015(2) RCR (Civil) 437 and ***Dhiraj Singh (D) Tr. LRs. Vs. Haryana State and Ors.***, 2015(2) RCR (Civil) 507, delay of 2037-2043 days in filing the accompanying appeals is condoned. However, to balance the equities, for the period of delay in filing the appeals the appellants shall not be entitled to any interest on the enhanced compensation for the period of 2037-2043 days.

CMs stand disposed of.

Main cases

This order shall dispose of the above-captioned two appeals as the point in issue is common.

Mr. Mansur Ali, Advocate has put in appearance in RFA-1113-2019 and also puts in appearance in RFA-1864-2019 on behalf of respondent No.2 on the asking of the Court, with the authority of Mr. Madan Lal, Chief Manager, Power Grid Corporation who is present in Court.

The present appeals are directed against the award of the Reference Court, Faridkot, dated 28.05.2013, whereby market value has been fixed at Rs.45,50,000/- per acre. In RFA No. 1931 of 2014 (***Power***

Grid Corporation India Limited Vs. Ajmer Singh & Anr.), the appeals of the landowners were allowed by holding as under:-

“The appeals filed by the land owners deserves to be partly accepted and the same are allowed to the extent indicated above. The land owners are held entitle to receive the compensation for their acquired land at the uniform rate of Rs.60,94,912/- per acre from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled to all the statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the observations made above, all the aforesaid appeal stand disposed of, in the afore-said terms, however, with no order as to costs.”

Counsel for respondent No.2 submits that the matter has been further upheld by the Apex Court in SLP No. 15680 of 2016, titled as **Power Grid Corporation India Limited Vs. Ajmer Singh & Anr.** on 12.07.2016.

Keeping in view the above and to maintain parity, the present appeals are also allowed in the same terms. However, appellants shall not be entitled to any interest on the enhanced compensation for the delay period i.e. 2037-2043 days.

21.05.2019

vvishal

(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No