

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-2177-2019 (O&M)

Date of decision: 19.09.2019

Roop Chand (deceased) th LRs

....Appellants

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Navneet Singh, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana, for respondents No.1 & 2.

Mr.Pritam Saini, Advocate, for respondent No.3.

G.S. SANDHAWALIA, J. (Oral)

CM-5459-CI-2019

Application for condoning the delay of 2510 days in filing the appeal is allowed, in view of the averments made in the application, duly supported by affidavit and a condition is imposed upon the landowners that they will not be entitled for the interest on the enhanced amount of compensation for the period of delay, as the interest of the State can be protected, in view the law laid down in 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**. Delay of 2510 days in filing the application is hereby condoned.

CM stands disposed of.

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The appeal is directed against the Award of the Reference Court, Sonapat dated 28.08.2012, for the notification dated 21.12.2005 issued under Section 4 of the Land Acquisition Act, 1894.

Counsel submits that the amount of compensation has been fixed by the Reference Court @ Rs.21,00,000/- per acre, which had been

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enhanced to Rs.32,00,000/- per acre by this Court on 03.11.2015 in RFA-6207-2012 titled *Piryavert & another Vs. Haryana Government & others*. The said amount has further been enhanced by the Apex Court in CA-16197-2017 titled *Braham Dev & another Vs. State of Haryana & others*, decided on 04.10.2017. Relevant portion of the judgment reads as under:

“In view of the above all evidence on record, we have to work out suitable enhancement, as lot of development has taken place for acquisition made in the year 2008. Thus, we deem it appropriate to grant compensation at the rate of Rs.47,00,000/- per acre for the acquisition made vide Notification dated 1.4.2008, along with the statutory benefits.

For Notifications issued in the year 2005, we enhance the compensation from Rs.32,00,000/- to Rs.34,00,000/- and for Notification dated 1.4.2008, we enhance the compensation from Rs.42,60,000/- to Rs. 47,00,000/- along with the statutory benefits.

The appeals are, accordingly, disposed of.”

Accordingly, the present appeal is allowed to maintain parity in the above said terms by fixing the compensation at Rs.34,00,000/- + all statutory benefits, except the benefit of interest for a period of 2510 days on account of delay in filing the appeal.

19.09.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No