

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

208

**RFA-937-2018 (O&M)
Date of decision: 03.04.2019**

Gopi Chand (deceased) th. LRs & others

....Appellants

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Amit Jain, Advocate, for the appellants.

Ms.Vibha Tewari, AAG, Haryana.

Mr.Pritam Saini, Advocate, for HSIIDC.

None for respondent No.4.

G.S. SANDHAWALIA, J. (Oral)

CM-2465-CI-2018

Application has been filed for condonation of delay of 2461 days in filing the present appeal.

Accordingly, keeping in view the above and 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 2461 days in filing the appeal is condoned, subject to the condition that the appellants shall not be entitled for the benefit of interest for the said period.

CM stands disposed of.

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

RFA-937-2018

-2-

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, is directed against the award dated 23.12.2010, passed by the Reference Court, Nuh, pertaining to Village Padheni, Tehsil Tauru District Mewat (Nuh).

Counsel for the appellants has pointed out that while deciding RFA-3552-2010, for the award dated 23.12.2010, the lead case of which was LAC No.36 of 2008 titled *Pyare Lal Vs. State of Haryana & others*, matters had been remanded by this Court on 31.01.2019 and accordingly submits that in such circumstances, the present appeal would also be covered by the said judgment.

Counsel for the respondents were not in a position to deny the said fact.

Resultantly, the present appeals is allowed and the matter is remanded to the Reference Court, for fresh decision, in terms of the judgment passed in Om Parkash (supra). It is, however, made clear that in case the appeal is allowed, the appellants shall not be entitled for the benefit of interest for the period of delay. Parties to put in appearance before the Reference Court, Nuh on 29.04.2018.

03.04.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*