

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

**RFA No.4894 of 2017 (O&M)
Decided on : 29.04.2019**

Smt. Dhanno (since deceased) through her legal heirs and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. S.P. Chahar, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana
for respondents No.1 & 2.

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

G.S. Sandhawalia, J. (Oral)

CM-12283-CI-2017

Application for condonation of delay of 1672 days in filing the
appeal has been filed.

In view the judgments of the Supreme Court in '**Imrat Lal and
others Vs. Land Acquisition Collector and others' 2015 (2) RCR (Civil)
437** and '**Dhiraj Singh (D) through LR's. Vs. Haryana State and others'
2015 (2) RCR (Civil) 507**, delay of 1672 days in filing the appeal is
condoned. However, it is clarified that the applicants-appellants shall not
be entitled for the benefit of interest on the enhanced compensation for the
period of delay in filing the appeal i.e. 1672 days.

CM stands disposed of.

Main appeal

The present appeal arises out of the award of the Reference Court, Jhajjar dated 21.09.2011 whereby the Reference Court has refused to grant the benefit of enhancement from Rs.16,00,000/-per acre which was awarded by the Land Acquisition Collector.

Counsels point out that the notification under Section 4 of the Land Acquisition Act, 1894 dated 16.01.2007 was subject matter of consideration in **Civil Appeal No.8757 of 2016 'Arawali Power Company Private Ltd. Vs. Joginder Singh Tokash and others'** decided on 05.09.2017 before the Apex Court. The amount of compensation which was awarded by this Court i.e. 29,00,400/- per acre has been reduced to Rs.25,00,000/- per acre. Relevant portion of the same reads thus:-

“In the peculiar facts and circumstances of the case, we find that it would be appropriate to make approximately 15% deduction towards development and in the facts and circumstances of the case, we grant compensation at the rate of Rs.25,00,000/-(Rupees twenty five lakhs only) per acre alongwith statutory benefits.

Consequently the appeals filed by the Company are partly allowed and the cross appeals/cross objections preferred by the owners are hereby dismissed. No costs.”

Accordingly, keeping in view the said facts and to maintain parity, the present appeal is also allowed and the appellants are held entitled for the said amount i.e. Rs.25,00,000/- per acre alongwith all statutory benefits. However, the applicants-appellants shall not be entitled for the benefit of interest on the enhanced compensation for the

period of delay in filing the appeal i.e. 1672 days.

APRIL 29, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No