

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.1 of 2019 (O&M)
Decided on : 08.04.2019

Dharampal (deceased) through his L.Rs. & others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Aditya Yadav, Advocate for the appellants.

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

Mr. Vikas P. Singh, Advocate
for respondents No.3 and 4.

G.S. Sandhawalia, J. (Oral)

CM-2-CI-2019

This is an application for condonation of delay of 2464 days in filing the accompanying appeal.

The application is opposed by the State counsel by filing reply.

However, it is urged that the matter in issue is squarely covered by the judgment, dated 17.05.2018, rendered by this Court in **RFA No.816 of 2018 'Maha Devi (deceased) through L.Rs. and others Vs. Haryana and others'**, vide which, the compensation awarded to the claimant/landowners was fixed by this Court to ₹25 lakhs per acre, in view of the appeals preferred by the beneficiaries of the acquisition i.e. Arawali Power Company Pvt. Ltd. (respondent No.4), the Supreme Court, vide order and judgment, dated 05.09.2017, rendered in **Civil Appeal No(s). 8757 of 2016 (Arawali Power Company Pvt. Ltd. Vs. Joginder Singh Tokash**

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and others). Therefore, it is urged that the appeal be disposed of, in terms of the, decision of the Supreme Court.

The factual position, as set out above, is not disputed by learned counsel for the respondents.

I have heard learned counsel for the parties and perused the record. In the wake of the decisions of the Hon'ble Supreme Court in **Imrat Lal and others versus Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. Lrs Vs. Haryana State and others, 2015 (2) R.C.R. (Civil) 507**, delay of 2464 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal, the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

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For, learned counsel for the parties are *ad idem* that then matter in issue is squarely covered by the order and judgment, dated 05.09.2017, rendered by the Supreme Court in **Civil Appeal No(s). 8757 of 2016 (Arawali Power Company Pvt. Ltd. Vs. Joginder Singh Tokash and others)**, the present appeal too is disposed of, in terms thereof. However, the appellants shall not be entitled to interest for the period of delay in filing the appeal i.e. 2464 days.

APRIL 08, 2019

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No