

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

**RFA No.792 of 2019 (O&M)
Decided on : 28.02.2019**

Ashok and another

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Ram Darshan Yadav, Advocate
for the appellants.

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

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

G.S. Sandhawalia, J. (Oral)

CM-1959-CI-2019

Application has been filed for condonation of delay of 2470 days in filing the appeal against the award dated 16.12.2011 passed by the Reference Court, Rewari.

Keeping in view the law laid down by the Apex Court 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 is condoned, subject to the condition that the appellants shall not be entitled for the benefit of enhanced interest for the above said period.

CM stands disposed of.

Main appeal

The present appeal has been preferred against the award dated 16.12.2011 of the Reference Court, Rewari, whereby, the Reference Court had granted the benefit of enhancement to Rs.18,00,000/- per acre from Rs.16,00,000/- per acre which was awarded by the Land Acquisition Collector.

Counsel for the appellant submits that in RFA-2057-2012 titled *Jai Lal Vs. State of Haryana & others*, decided on 11.05.2016, a Co-ordinate Bench of this Court fixed the market value @ Rs.32,77,452/- per acre plus 30% on account of severance charges. It is pointed out that 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 has been scaled down to Rs.25,00,000/- per acre along with statutory benefits. 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 applicant-appellants shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeals i.e. 2470 days.

FEBRUARY 28, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

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