

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.5218 of 2018 (O&M)

Date of Decision: 30.09.2019

Ishwar Singh (D) thr. LRs

... Appellant

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Surinder Gaur, Advocate for the appellant

Ms. Vibha Tewari, AAG Haryana

G.S. SANDHAWALIA, J. (Oral)

CM-12281-CI-2018

Application under Section 5 of the Limitation Act has been filed for condonation of delay of 1611 days in filing the above-cited appeal.

Keeping in view the averments made in the application which is duly supported by affidavit, the delay of 1611 days in filing the appeal is condoned conditionally in view of the judgment of the Apex Court in *Imrat Lal & others Vs. Land Acquisition Collector & others 2015 (2) RCR (Civil) 437* and *Dhiraj Singh (deceased) through LRs Vs. Haryana State & others 2015 (2) RCR (Civil) 507*, as interest of the State can be protected by denying the interest for the period of delay. It is made clear that the appellant shall not be entitled to interest for the said days on the enhanced compensation.

CM stands disposed of.

Main case

The appeal under Section 54 of the Land Acquisition Act, 1894 arises out of the Reference Court, Sonapat award dated 17.02.2014 for the notification dated 05.10.2005. The Reference Court had granted Rs.21.50

lakhs per acre enhancing it from Rs.16 lakhs per as awarded by LAC. This Court had further enhanced the amount to Rs.32 lakhs per acre in **RFA-6207-2012 Piryavert and another vs. Haryana Government & Ors.** decided on 03.11.2015. The Apex Court in **Civil Appeal No.16197 of 2017 Braham Dev & Anr. vs. State of Haryana & Ors.** decided on 04.10.2017, fixed the market value @ Rs.34 lakhs per acre for the notification in question. The relevant portion reads as under:-

“For Notification 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 also disposed of in same terms. However, the landowners will not be entitled for the benefit of interest on the enhanced compensation for the period of delay.

30.09.2019

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**(G.S. Sandhawalia)
Judge**

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No