

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

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RFA No. 5269 of 2018 (O & M)

Date of Decision: 10.5.2018

Kamlesh Gupta

.....Appellant

v.

The State of Haryana and others

.....Respondents

RFA No. 5270 of 2018 (O & M)

Manu Gupta

.....Appellant

v.

The State of Haryana and others

.....Respondents

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

Present:- Shoaib Khan, Advocate, for the appellant(s)
Ms. Vibha Tiwari, AAG, Haryana
Mr. Pritam Saini, Advocate, for respondent No. 2

G.S. SANDHAWALIA, J. (Oral) :

CM No. 12391-CI of 2018 in RFA No. 5269 of 2018

CM No. 12392-CI of 2018 in RFA No. 5270 of 2018

Present appeals are barred by 2970 days in filing against the award dated 24.4.2010 passed by the Reference Court, Panchkula for the notification in question dated 2.6.1999.

Counsel has submitted that on an earlier occasion the award was passed by the Reference Court on 22.9.2006, which was set aside on 25.2.2009 in appeal and the matter has been remanded to the Reference Court for re-decision. Thereafter, on 24.4.2010, the matter was decided once again by the Reference Court, which is the impugned award in the present case and the appellants could not file appeal. Similarly situated land owners had filed RFA No.10326 of 2014 titled as **The Akash Coop. Group**

Housing Society Ltd. v. State of Haryana and others, whereby the matter

was remanded for the second time. It is pointed out that the matters are still pending before the Reference Court, Panchkula and the next date is 21.5.2019.

Keeping in view the above, this Court is of the opinion that interest of the State can be protected on account of the lapse of the land owners which can be condoned conditionally. The land owners can be denied the benefit of interest on the amount of compensation, if the same is enhanced in view of the law laid down by the Apex Court in 'Imrat Lal and others v. Land Acquisition Collector and others, 2015 (2) RCR (Civil) 437' and 'Dhiraj Singh (D) through LRs v. Haryana State and others, 2015 (2) RCR (Civil) 507'.

Accordingly, applications for condonation of delay of 2970 days in filing the respective appeals is allowed conditionally.

Main Case :

The award dated 24.4.2010 is set aside and the matter is remanded to the District & Sessions Judge, Panchkula, for assigning the case to the same Reference Court where the connected matters are pending. It is made clear that the Reference Court shall not grant any interest on the enhanced compensation for the period of delay of 2970 days in case references are decided in favour of the land owners in the present set of appeals.

Disposed of.

(G.S. SANDHAWALIA)
JUDGE

10.5.2019

Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No