

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

**RFA-51-2020(O&M)  
Decided on : 06.02.2020**

**Mahender deceased through LRs                    ...Appellants**

**Versus**

**State of Haryana and others                    ... Respondents**

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

**\*\*\*\***

Present: Ms.Mannat Anand, Advocate for the applicant-appellants.

Ms.Vibha Tewari, AAG, Haryana.

**\*\*\*\***

**G.S. Sandhawalia , J. (Oral)**

**CM-89-CI-2020**

Application under Section 5 of the Limitation Act for condonation of delay of 1963 days in filing the present appeal against the award of the Reference Court, Gurugram dated 21.05.2014 has been filed. It is stated that the matter is covered by the judgment passed in **RFA No. 5316 of 2014** titled as **Pushpender Kumar and others vs. State of Haryana and another** decided on 27.05.2016, whereby the amount has been enhanced from Rs.60 lakhs to Rs. 2,24,97,003/- per acre.

Accordingly, keeping in view the averments made in the application, duly supported by affidavit and in view of the fact that the interest of the State can be protected by denying the appellants the benefit of interest for 1963 days in view of the law laid down by the Apex Court in '**Imrat Lal and others vs. Land Acquisition Collector and others'** 2014(14) SCC 133 and in

**'Dhiraj Singh(D) through LR's and others vs. Haryana State and others'**

**2015(1) SCC(Civil) 236**, the application is allowed. The delay of 1963 days in filing the appeal is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CM stands disposed of.

**Main appeal**

The appeal arises out of award of the Reference Court, Gurugram dated 21.05.2014. The land falling in village Kankrola was acquired vide notification dated 11.02.2010. **RFA No. 5316 of 2014 (supra)** was filed before this Court which was decided on 27.05.2016 whereby the market value of the said land was enhanced to Rs.2,24,97,003/- per acre from Rs. 1,06,48,000/-per acre as awarded by the Reference Court. The Apex Court has modified the said judgment in **Civil Appeal Nos. 11913-11945 of 2017 'State of Haryana and another vs. Pushpender Kumar and others'** whereby market value was reduced by 15%. Thus, the market value has been fixed at Rs.1,91,22,453/- per acre.

Resultantly the present appeal is allowed in the above terms by fixing the market value for the land in dispute in village Kankrola at the above rate along with all statutory benefits. However, the payment of interest on the enhanced compensation for 1963 days will not be granted to the landowners.

Appeal stands disposed of.

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

**06.02.2020**  
**sunita**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No