

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

RFA No. 622 of 2019 (O & M)

Date of decision: 31.01.2020

Dharam Pal

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Ms. Kamalpreet Kaur, Advocate,
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 1397-CI of 2019

Application for condonation of delay of 1029 days in filing the appeal is allowed in view of averments made in the application duly supported by affidavit conditionally 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* that in case the amount is enhanced by the Reference Court in pursuance to the remand, the land owners will not be entitled for the interest on the enhanced amount for the above said period.

RFA No. 622 of 2019 (O & M)

Service is complete upon respondents no. 1 to 4, 8 and 9. Respondents no. 5 to 7 need not be served as they were original petitioners before the Reference Court, being similarly situated land owners.

Counsel for the appellant submits that vide the detailed order in

RFA No. 1285 of 2016, Chief Project Engineer (now Chief Construction Engineer) Nuclear Power Corporation of India Ltd. vs. Shamsher Singh and others decided on 23.01.2020, the matter has been remanded. The relevant portion reads thus:-

“In such circumstances, this Court is of the opinion that both the parties should be given adequate opportunity to prove their case and produce additional evidence in support of their case before the Reference Court, if so required.

Accordingly, the Award dated 20.10.2015 is set aside and the matters are remanded to the Reference Court for a decision afresh.

Any amount which has been received by the landowners in pursuance to the interim orders of the Court will be subject to the final decision of the Reference Court as recovery or re-deposit of the said amount would only lead to further litigation.

Needless to say that observations made herein are only for the purpose of remanding the matter and not on the expression of merits of the case or the market value which is liable to be assessed.

Parties shall put in appearance through their counsels before the District Judge, Fatehabad on 24.02.2020.

Resultantly, the present appeals are disposed of in the above said terms. Application for additional evidence also stands disposed of in the above terms.”

Accordingly, the appeal is also disposed of in the same terms.

It is made clear that in case the amount is enhanced by the Reference Court in pursuance to the remand, the land owners will not be entitled for the interest on the enhanced amount for 1029 days.

31.01.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No