

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

201

**RFA No.1921 of 2016 (O&M)
Decided on : 07.01.2020**

Sheela Rani and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Hari Om Sharma, Advocate
for the appellants.

Ms. Vibha Tewari, AAG, Haryana
for the respondent-State.

G.S. Sandhawalia, J. (Oral)

CM-5938-CI-2016

Application under Section 5 of the Limitation Act for condonation of delay of 679 days in filing the present appeal has been filed.

Keeping in view the averments made in the application and in view of the fact that the interest of the State can be protected by denying the appellant the benefit of interest for 679 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 LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236, the application is allowed, conditionally.

The delay of 679 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 present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the Award of the Reference Court, Yamuna Nagar at Jagadhri dated 25.07.2013, whereby for the notification dated 28.01.2002 market value was fixed @ ₹1560/- per square meter (₹63,13,101.60 per acre) by enhancing it from ₹6 lakhs per acre as awarded by the Land Acquisition Collector. The land was falling in village Garhi Mundon and the acquisition was for land measuring 44.76 acres for the purpose of development of Sector 17 Part in the Urban Estate Jagadhri.

The Reference Court while enhancing the compensation placed reliance upon an earlier Award dated 30.07.2009 passed in the case titled as **Satya Devi Vs. State of Haryana** (Ex.P1) to fix the said market value.

Counsel for the appellants has placed reliance upon the judgment dated 05.03.2014 passed in RFA No.5083 of 2009 'Zora Singh Vs. State of Haryana and others' which dealt with the appeals pertaining to the award/judgment dated 30.07.2009. The Coordinate Bench had enhanced the compensation to ₹2402.40 per square meter. The relevant portion of the said judgment read as under:-

“In view of the decision of the Apex Court in **Om Parkash's** case (supra), appellants are entitled to be awarded compensation at the rate of 12% per annum by way of enhanced compensation for the intervening period of notification under Section 4 of the Act in RFA No. 476 of 2004 and notification under Section 4 of the Act in the present

appeals. So far as RFA No. 476 of 2004 is concerned, the notification under Section 4 of the Act was issued on 4.6.1997 whereas in the present case, the notification was issued on 28.1.2002. The amount of enhancement works out to ₹ 1560 x 12% x 4½ years = ₹ 842.40 paisa. Therefore, the appellants are entitled to receive compensation at the rate of ₹ 1560 + ₹ 842.40 paisa = ₹ 2402.40 paisa.

Accordingly, these appeals are allowed. The order dated 30.7.2009 passed by the Reference Court is modified to the extent that the appellants are also entitled to receive compensation at the rate of ₹ 2402.40 paisa per square meter.”

Counsel for the State could not point out that the said order has been modified by the Apex Court as such, apart from mentioning that the appeal filed by the landowners was dismissed on 18.09.2015.

Resultantly, the present appeal is also disposed in the same terms. However, the appellants shall not be entitled for the benefit of interest on the enhanced compensation for the period of delay in filing the appeal i.e. 679 days.

JANUARY 07, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

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