
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**RFA Nos.3897 to 3900, 4292 & 4293
and 2226 of 2019 (O&M)
Date of decision:15.03.2021**

Amar Singh (deceased) through his LRs and another ...Appellants
Versus
State of Haryana and others ... Respondents

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

Present: Mr. Surinder Saini, Advocate,
for the appellant(s) in RFA Nos.3897 to 3900 of 2019.

Mr. Balkar Singh, Advocate,
for the appellant(s) in RFA Nos.2226, 4292 and 4293 of 2019.

Mr. RKS Brar, Addl. A.G., Haryana.

Mr. Nitin Kumar, Advocate,
for the Railways.

G.S. Sandhawalia, J. (Oral)

CM No.9782-CI of 2019 in RFA No.3897 of 2019
CM No.9787-CI of 2019 in RFA No.3898 of 2019
CM No.9790-CI of 2019 in RFA No.3899 of 2019
CM No.9795-CI of 2019 in RFA No.3900 of 2019
CM No.10918-CI of 2019 in RFA No.4292 of 2019
CM No.10921-CI of 2019 in RFA No.4293 of 2019
CM No.5506-CI of 2019 in RFA No.2226 of 2019

The above-cited appeals are barred by limitation of the period ranging between 639 to 2035 days, for which applications under Section 5 of the Limitation Act have been filed for condonation of delay.

The applications for condonation of delay, as such, have been opposed on the ground that no plausible reason, as such, has been given by the applicant-appellants and the connected matter had been decided on

16.02.2016 vide RFA No.3397 of 2014 “Katar Singh & Ors. vs. State of

Haryana & Ors.”

Keeping in view the averments made in the applications, which are duly supported by affidavits, the delay ranging between 639 to 2035 days in filing the above-cited appeals is condoned 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 respondent(s) can be protected by denying the interest for the period of delay. It is made clear that the appellants shall not be entitled to interest for the said days on the enhanced compensation.

CMs stand disposed of.

Main cases (O&M)

The present set of seven appeals bearing RFA Nos.3897 to 3900, 4292, 4293 & 2226 of 2019 are directed against the order of the Reference Court, Sonipat dated 31.01.2014, wherein a sum of ₹16 lacs per acre has been awarded as compensation along with statutory benefits plus 30% as severance benefits. All the appeals are being disposed of with this common order as the same arise out of the common award dated 31.01.2014 pertaining to the same notification.

Applications have been filed for disposal of the present appeals in terms of the decision rendered by this Court in **Katar Singh's case (supra)**. It is not disputed that in **Katar Singh's case (supra)**, uniform rate of compensation @ ₹24,45,465/- per acre had been granted for the land which was acquired for the construction of Jind-Gohana-Sonipat new railway

line plus 50% on account of severance. The relevant portion reads as under:-

“Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that all the appeals filed by the land owners deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The land owners in the appeals arising out of acquisition dated 18.03.2009 as well as the land owners in the appeals arising out of the acquisition dated 08.06.2009, are held entitled to receive the compensation for their acquired land, at the uniform rate of Rs.24,45,465/- per acre, from the date of notification under Section 4 of the Act. They are also held entitled to receive 50% of the abovesaid market value on account of severance charges. Besides this, the land owners, in both theses acquisitions, shall be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

It is also admitted that the SLPs filed by the respondent-Railways have also been dismissed on 08.05.2017 by the Apex Court and, therefore, the market value has been finalized.

Keeping in view the above, the present appeals are allowed in same terms as in **Katar Singh's case (supra)**. However, it is made clear that the landowners will not be entitled for the benefit of interest on the enhanced compensation for the delay period ranging between 639 to 2035 days.

March 15, 2021
vinod*

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No