



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1784-2019 (O&M)
Date of decision: 05.05.2026

OM PARKASH AND OTHERS

. . . . Appellants

Vs.

The State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Shilak Ram Hooda, Advocate, for the appellants.

Mr. Gaurav Garg, AAG, Haryana.

Ms. Surbhi Rana, Advocate, for
Mr. Pritam Singh Saini, Advocate, for respondent No.3.Mr. Sukhdev Singh and Ms. Devika Kamboj, Advocates, for
Mr. Vikram Singh, Advocate,
for respondent No.7 and LR's of respondent No.8.

DEEPAK GUPTA, J. (ORAL)

The present appeal arises out of land acquisition proceedings pertaining to land situated in Village Barhi, Tehsil Gannaur, District Sonapat. The land of the appellants, along with that of other landowners, was acquired vide notification dated 02.05.2007 issued under Section 4 of the Land Acquisition Act, 1894, followed by declaration dated 30.04.2008 under Section 6 of the Act. The Land Acquisition Collector announced Award No.17, assessing the market value at ₹30,00,000/- per acre.

2. Dissatisfied with the award, several landowners approached this Court by way of Regular First Appeals. A Coordinate Bench of this Court, vide judgment dated 18.02.2016 rendered in the lead case titled ***Raghubir and others vs. State of Haryana and others (RFA-6809-2014)***, enhanced the market value to ₹59,88,657/- per acre along with statutory benefits.

3. The beneficiary department, namely HSIIDC, carried the matter further to the Hon'ble Supreme Court. The Hon'ble Supreme Court, in Civil Appeal No.15179 of 2017 titled ***Ashok Kumar vs. State of Haryana and others***, vide judgment dated 06.09.2017, modified the determination and assessed the market value at ₹45,00,000/- per acre along with statutory benefits.

4. At the outset, learned counsel for the appellants fairly submits that the present appeal is squarely covered by the aforesaid judgment of the Hon'ble Supreme Court and the appellants would be satisfied if their case is decided in terms thereof.

5. However, the present appeal is accompanied by an application under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 1110 days in filing the appeal.

6. Learned counsel appearing for respondent No.3–beneficiary department submits that the respondent has no objection to the condonation of delay, provided the appellants are denied interest for the delayed period. Learned counsel for the appellants fairly states that the appellants have no objection to such a condition.

7. I have heard learned counsel for the parties.

8. It is well settled that in matters relating to land acquisition, where similarly situated landowners are granted enhanced compensation, a liberal approach is required to be adopted while considering applications for condonation of delay so as to ensure parity and avoid discrimination. At the same time, it is equally settled that a party cannot be permitted to take advantage of its own delay so as to claim statutory interest for the period during which it remained indolent.

9. The Hon'ble Supreme Court, in a catena of judgments, has consistently held that while delay in such matters may be condoned to advance substantial justice, the claimants are not entitled to interest for the period of delay, as that would amount to unjust enrichment.

10. In view of the above and keeping in view the stand taken by both the parties, the application for condonation of delay deserves to be allowed, subject to denial of interest for the delayed period.

11. Accordingly, **CM-4417-CI-2019** is allowed and the delay of 1110 days in filing the appeal is condoned, subject to the condition that the appellants shall not be entitled to statutory interest for the aforesaid delayed period.
12. On merits, since the controversy involved in the present appeal is no longer res integra and stands covered by the judgment of the Hon’ble Supreme Court in ***Ashok Kumar vs. State of Haryana and others (supra)***, the appellants are held entitled to enhanced compensation at the rate of ₹45,00,000/- per acre along with all statutory benefits as admissible under the Land Acquisition Act, 1894.
13. However, it is made clear that the appellants shall not be entitled to statutory interest for the period of delay of 1110 days in filing the present appeal.
14. The appeal is disposed of in the above terms. Pending application(s), if any, also stands disposed of.

05.05.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>