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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 15.01.2025*+ **LA.APP. 85/2022 & CM APPL. 19246/2022**RANVIR SINGH (NOW DECEASED) THROUGH HIS LEGAL
REPRESENTATIVE & ORS.Appellants

Through: Mr. Raghuvinder Godara, Advocate.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. Sanjay Kumar Pathak, SC with
Mr. Sunil Kumar Jha & Mr. Mayank
Madhu, Advocates for R-1.
Ms. Kamna Singh, Advocate for R-2.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM APPL. 19246/2022 [for condonation of delay]**

1. This is an Application filed on behalf of Appellants seeking condonation of delay of 3416 days in filing the Appeal.

2. Learned Counsel for the Appellants draws the attention of the Court to the Additional Affidavit filed by the legal representatives of the predecessor in interest of the Appellants to submit that the predecessor in interest of the Appellants was severely ill for several years and passed away on 23.09.2013. The death certificate has also been annexed along with the Additional Affidavit. It is stated in the Additional Affidavit that in view of



the impending illness and the sudden death of predecessor in interest of the Appellants, the Appellants were not able to locate the records and that one of the Appellants was also incarcerated during this period and the other Appellants also did not have sufficient means for their survival. It is also stated in the Additional Affidavit that after the death of the predecessor in interest of the Appellants, the Appellants were not able to contact a counsel in time and when they finally did contact a counsel, that counsel took Rs.17,000/- from them for court fee and did not file the case. It is further stated that the Appellants were not even aware that no case has been filed since the payments had already been made by them. It is also stated that the Appellants are completely depending on the compensation for their survival.

3. Learned Counsel for Appellants, on instructions, submits that the Appellants are willing to forego the interest for the period of delay in filing the Appeal. The Appellants are bound down by the statement made by their counsel.

4. The Supreme Court in the judgment of *Pathapati Subba Reddy (Died) By L.Rs. & Ors v. Special Deputy Collector (LA)*¹ had held that the Court is required to examine the reasons for delay and not simply the time period of the delay. The relevant extract of the *Pathapati Subba Reddy* case is reproduced below:

26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right

¹ 2024 SCC OnLine SC 513



itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

rs such as, where there is inordinate delay, negligence and want of due diligence;

(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.

27. It is in the light of the above legal position that now we have to test whether the inordinate delay in filing the proposed appeal ought to be condoned or not in this case.

28. The submission of learned counsel for the petitioners is that in somewhat similar situation, delay in filing appeal for the enhancement of compensation had been condoned by this Court. He placed reliance upon the case of *Dhiraj Singh (Dead) through Legal Representatives v. State of Haryana*⁹. In this case, delay in filing appeal was condoned as in other appeals compensation awarded at the rate of Rs. 200/- per sq. yd. was



upheld and the proposed appellants were also held entitled to the same benefit of compensation at the rate of Rs. 200/- per sq. yd. instead of Rs. 101/- per sq. yd. as awarded but with the rider that they will not be entitled for interest for the period of delay in approaching the High Court.

*29. The other decision relied upon in this regard is the case of **Imrat Lal v. Land Acquisition Collector**[(2014) 14 SCC 133]. In this case also the matter was regarding determination of compensation for the acquired land and there was a delay of 1110 days in filing the appeal for enhancement of compensation. Despite findings that no sufficient cause was shown in the application for condoning the delay, this Court condoned the delay in filing the appeal as a large number of similarly situate persons have been granted relief by this Court.*

*30. The aforesaid decisions would not cut any ice as imposition of conditions are not warranted when sufficient cause has not been shown for condoning the delay. Secondly, delay is not liable to be condoned merely because some persons have been granted relief on the facts of their own case. Condonation of delay in such circumstances is in violation of the legislative intent or the express provision of the statute. Condoning of the delay merely for the reason that the claimants have been deprived of the interest for the delay without holding that they had made out a case for condoning the delay is not a correct approach, particularly when both the above decisions have been rendered in ignorance of the earlier pronouncement in the case of **Basawaraj (supra)**.”*

[Emphasis Supplied]

5. The Supreme Court in the case of ***Sheo Raj Singh v. Union of India***² has held that the power to condone must be exercised based on the cause and not the length of the delay. A genuine explanation and not a mere excuse is required. The relevant extract is reproduced below:

“ 35. We find that the High Court in the present case assigned the following reasons in support of its order:

35.1. The law of limitation was founded on public policy, and that some lapse on the part of a litigant, by itself, would not be sufficient to deny condonation of delay as the same could cause miscarriage of justice.

² (2023) 10 SCC 531



35.2. *The expression “sufficient cause” is elastic enough for courts to do substantial justice. Further, when substantial justice and technical considerations are pitted against one another, the former would prevail.*

35.3. It is upon the courts to consider the sufficiency of cause shown for the delay, and the length of delay is not always decisive while exercising discretion in such matters if the delay is properly explained. Further, the merits of a claim were also to be considered when deciding such applications for condonation of delay.

35.4. *Further, a distinction should be drawn between inordinate unexplained delay and explained delay, where in the present case, the first respondent had sufficiently explained the delay on account of negligence on part of the government functionaries and the government counsel on record before the Reference Court.*

35.5. *The officer responsible for the negligence would be liable to suffer and not public interest through the State. The High Court felt inclined to take a pragmatic view since the negligence therein did not border on callousness.”*

[Emphasis Supplied]

6. Given what is stated above, this Court finds that the Appellants had given adequate reasons for the delay in filing the Appeal. The delay is accordingly condoned. The Appellants shall not be entitled to the interest for the period of delay in filing the Appeal.

7. The Application is disposed of.

LA.APP. 85/2022

8. The present Appeal has been filed on behalf of the Appellants under Section 54 of the Land Acquisition Act, 1894 [hereinafter referred to as “LA Act”] against the judgment dated 05.05.2010 [hereinafter referred to as the “Impugned Judgment”] passed by learned ADJ-01, Dwarka Courts, New Delhi in LAC No. 208/09/06 titled *Suraj Bhan & Ors. v. UOI & Anr.* The Impugned Judgment has been passed in respect of land acquired in village



Pochanpur, Delhi by Award No.30/2002-2003.

9. It is the case of the Appellants that they have 1/15th share each in the land admeasuring 11 bighas 12 biswas bearing Khasra No. 6//12(4-16), 13(4-16), 12/1 (2-0) situated within the revenue estate of Village Pochanpur, Delhi.

10. A notification No.SF10/(3)/96/L&B/LA/13417 dated 13.12.2000, under section 4 of the LA Act was issued In respect of the aforementioned land, followed by a declaration No.F10(307)/96/L&B/LA/4062 dated 07.12.2001 under section 6 of the LA Act. The land of the Appellants was acquired by Respondent No.1 pursuant to the Award No. 30/2002-03 dated 09.12.2002.

11. Under the said Award, the Land Acquisition Collector had determined the market value of the aforementioned land at the rate of Rs.13.82 lakhs per acre in Block A and Rs.12.32 lakhs per acre in Block B in addition to the other statutory benefits as envisaged under the LA Act in respect of the land at Village Pochanpur, Delhi.

12. The Appellants being aggrieved against the said determination of market value of the land by the Collector had filed a reference petition under Section 18 of the LA Act before the learned Trial Court.

13. The learned Additional District Judge, by the Impugned Judgment, dismissed the reference petition of the Appellants and upheld the rate as awarded by the land acquisition collector.

14. The Appellants have challenged the Impugned Judgment by way of



the present Appeal.

15. Learned Counsel the parties jointly submit that the issue involved in the present case is in respect of Village Pochanpur which has already been settled by the Supreme Court by a judgment dated 13.02.2014 passed in Civil Appeal No.2091/2014 (SLP(C) No.18883/2012) captioned ***Impulse India Pvt. Ltd. v. Union of India & Anr.***

16. The Supreme Court in the ***Impulse India*** case found that the compensation awarded to the land losers was not adequate and therefore the compensation so awarded by the High Court was increased. The relevant extract of the ***Impulse India*** case is reproduced below:

“8. We have carefully perused the award(s) passed by the Land Acquisition Officer/Collector, the Reference Court as well as the High Court. In our view, the compensation so awarded by the authorities as well as the High Court is on a lesser side. Therefore, keeping in view the peculiar facts and circumstances of the case, and also other factors, we intend to increase the compensation so awarded by the High Court for Block A lands from Rs 16.50 lakhs to Rs 21 lakhs per acre and from Rs 14.60 lakhs to Rs 19 lakhs per acre for Block B lands. In the result, we allow the appeals filed by the claimants. We enhance the compensation awarded by the High Court for Block A lands from Rs 16.50 lakhs to Rs 21 lakhs per acre and from Rs 14.60 lakhs to Rs 19 lakhs per acre for Block B lands respectively. This compensation so awarded by us is common to all the lands in Bharthal, Bijwasan, Pochanpur and Dhul Saras Villages. Needless to say that the appellants are entitled to all the statutory benefits provided under the provisions of the Land Acquisition Act, 1894.”

[Emphasis Supplied]

17. Thus, keeping in view the peculiar facts and circumstances of the case and also other factors, the Supreme Court increased the compensation so awarded to 21 lacs and 19 lacs for Block A and Block B lands respectively. The aforesaid enhanced compensation was held to be common to all the



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lands of villages Bharthal, Bijwasan, Pochanpur and Dhul Saras villages. The Appellants therein were also found to be entitled to all the statutory benefits provided under the provisions of the Land Acquisition Act.

18. The case of the Appellants is covered by the judgment of the Supreme Court as delivered in *Impulse India* case. This fact is not disputed by learned Counsel for the Respondents.

19. The Appeal is accordingly allowed in terms of the judgment of the Supreme Court in *Impulse India* case. The pending Application is also disposed of.

19.1. The Respondents shall deposit the amount as quantified by the Appellant before the Reference Court/ Executing Court within a period of three month from the date of this judgment.

20. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 15, 2025/ ha

[Click here to check corrigendum, if any](#)