CNR No: PHHC011487082023
2026:PHHC:110768

RFA-11-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

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RFA-11-2024 (O&M)
Date of Decision: 12.08.2026

RAJIV SUDAN AND ANOTHER

…Appellants

Versus

STATE OF HARYANA AND ANOTHER

…Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Ramandeep Kaur, Advocate for applicants/appellants

Mr. Abhinash Jain, Additional Advocate General, Haryana

***

JAGMOHAN BANSAL, J. (ORAL)

CM-25-CI-2024

1. The applicants through instant application are seeking condonation of delay of 1388 days in filing the main appeal.

2. The applicants are seeking condonation of delay on the ground of lack of knowledge of case status. The similarly situated landowners filed appeals which stand allowed by this Court. They are entitled to compensation at par with similarly situated landowners.

3. Learned State counsel submits that claim of appellants is covered by judgment of this Court, however, Hon'ble Supreme Court has repeatedly held that landowner would not be entitled to interest for the period of delay.

4. In a recent judgment of the Supreme Court in "***Pathapati Subba Reddy (Died) by L.Rs. & Ors. Vs. The Special Deputy Collector***", ***2024(12)***

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SCC 336 various principles governing condonation of delay have been culled out. Paragraph 26 thereof is reproduced hereunder: -

> *"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 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;*
>
> *(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*

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imposed, tantamounts to disregarding the statutory provision."

5. The Supreme Court in ***Shivamma (Dead) Vs. Karnataka Housing Board & Ors., 2025 SCC OnLine SC 1969*** while taking a stringent view has held that "sufficient cause" must be shown for the delay throughout the entire period, administrative lethargy or negligence by State authorities cannot be treated as sufficient cause. In cases of inordinate delay by State instrumentalities, Courts must not condone delay mechanically. Public interest is better served by enforcing limitation strictly to promote accountability and timely action. Relevant extracts are reproduced as below:-

"258. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, it cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

259. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are

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> *based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.*
>
> *260. From the above exposition of law, it is abundantly clear that the High Court has erroneously condoned a massive delay of 3966 days on account of certain lapses at the administrative levels and of there being no follow-ups in the proceedings, along with finding certain merits in the case of the respondent no. 1 against the maintainability of the suit of the appellant and that of the relief molded by the First Appellate Court. We have no hesitation in stating that such grounds are nowhere near to being "sufficient cause" as per Section 5 of the 1963 Act. The High Court lost sight of the fact that the precedents and authorities it relied upon by it had delays of two-digits, or even that of single-digit, more particularly the delay in those cases was supported by sufficient cause. The present case, however, stands on a very different footing, owing to such an enormous delay. Hence, we are not inclined to accept the condonation of the delay by the High Court."*

6. Hon'ble Supreme Court in ***New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead) Through Legal Heir & Anr.***, ***2022 SCC OnLine SC 1599*** while adverting to the inordinate delay in filing the appeals before the High Court has held that delay may be condoned and enhanced compensation may be granted, however, the beneficiary/acquiring body cannot be saddled with the liability of statutory benefits and interest. Relevant extracts of the judgment read as:-

> *"5.2 Even otherwise as rightly observed by the High Court, the land owners are not entitled to the compensation at Rs.297/- per sq.yard considering the decision of this Court in*

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the case of Nanak (Deceased) through LRS. (supra). Nothing was pointed out that how the case of the land owners was comparable with that of the case of Nanak (Deceased) through LRS. (supra). On the contrary with respect to the acquisition of the year 1982, this Hon'ble Court determined the compensation at Rs.149/- per sq.yard in the case of Deo Karan & Ors.(supra).

5.3 However, at the same time the acquiring body and the beneficiary of acquisition shall not be saddled with the liability of statutory benefits and the interest which may be available under the Land Acquisition Act, 1894 for the delayed period. In the present case the delay of 22 years can be said to be a substantial delay. However, as the claimants are held to be entitled the enhanced amount of compensation, in the facts and circumstances of the case, the High Court can be said to be justified in condoning the delay. However, at the same time, the High Court has erred in awarding other statutory benefits and interest for the delayed period. To saddle with the liability to pay statutory benefits and interest for the delayed period upon the beneficiary/acquiring body would be a financial burden upon the public body and it may increase the project cost which shall be against the public interests. It cannot be disputed that the liability towards the statutory benefits and the interest under the Act, 1984 would be a huge liability considering the interest at the rate of 15% per annum, solatium, price rise etc. Therefore, while condoning the delay and enhancing the amount of compensation at par with other land owners, the High Court ought not to have saddled the liability upon the appellant to pay statutory benefits and the interest payable under the Land Acquisition Act, 1894 for the delayed period. To the aforesaid extent the impugned common judgment and order passed by the High Court is required to be modified and the present appeals are required to be partly allowed to the aforesaid extent."

[Emphasis supplied]

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7. The Supreme Court vide judgment dated 23.04.2025 passed in ***Suresh Kumar Vs. State of Haryana, 2025 SCC OnLine SC 896*** has reiterated that applications seeking condonation of delay ought to be considered by adopting a justice-oriented and liberal approach. It has been observed that the discretion vested in the Courts under the law of limitation should be exercised to advance substantial justice, and that a technical or pedantic approach should not defeat the adjudication of disputes on their merits. Relevant extracts of the judgement read as:-

> *"9. Implementing in letter and spirit, the observations made as above, i, e., a liberal approach in condonation of delay, we notice that this Court in quite a few judgments has condoned substantial delay. We may refer to some of them. In Dhiraj Singh v. State of Haryana The Court observed that even though there was long delay in filing the appeals, it was a case of compulsory acquisition and there had been a difference in the amount of compensation granted to some land losers vis-a-vis others. References were also made to Market Committee Hodal v. Krishan Murari wherein delay of 3240 days arising from the same acquisition has been condoned. In Huchanagouda v. Assistant Commissioner and Land Acquisition Officer., this Court, taking into account the poverty and illiteracy of the land loser, condoned the delay of more than 2000 days. It was observed that equities had to be balanced by ensuring that the determination of market value relates back to the preliminary notification - making sure that there is no prejudice to the acquiring authorities, as also no undue advantage to the land loser. In other words, the appellants who approached the Court with delay, would not be granted interest for such period.*
>
> *10. In Executive Engineer, Nimna Dudhna Project Selu, District Parbhani, Maharashtra v. State of Maharashtra, this Court held that the Body acquiring land cannot be saddled*

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> *with the liability of paying interest for the period of delay in preferring the appeals. The order of the High Court, which granted interest also for five and half years' delay, was modified to such an extent that interest shall not be payable for delay. [See also Ningappa Thotappa Angadi v. Special Land Acquisition Officer.]*
>
> *11. In all judgments referred supra, the common thread that can be observed is that delay is not a reason to deny the land losers their compensation, which is just, fair and reasonable for the land they have lost.*
>
> *12. This Court has noticed that in Delhi Air Tech Services Pvt. Ltd. v. State of U.P., with reference to Coffee Board, Karnataka, Bangalore v. Commission of Commercial Tax, Karnataka that while the State has the power of eminent domain, the owner of a land can only be divested thereof in accordance with the procedure established by law after appropriately compensating them. This is in view of Article 300 A and 31A of the Constitution of India."*

8. The Supreme Court in ***Urban Improvement Trust Vs. Vidhya Devi & Ors., 2024 SCC OnLine SC 3725*** while adopting a liberal approach in condoning the delay in appeals preferred by landowners in land acquisition matters, has deprecated a hyper-technical approach. It has been observed that having regard to the beneficial nature of land acquisition jurisprudence and the rights involved the matters ought to be adjudicated on their merits rather than being rejected on technical ground of delay. The parameters laid down by the Court are reproduced below: -

> *"47. It is pertinent for us to consider the judgment of this Court in Vidya Devi v. State of Himachal Pradesh, (2020) 2 SCC 569, wherein it was held, inter alia, as follows:*
>
> > *"12.12. The contention advanced by the state of delay and laches of the appellant in moving the court is also*

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liable to be rejected. Delay and laches cannot be raised in a case of a continuing cause of action, or if the circumstances shock the judicial conscience of the court. Condonation of delay is a matter of judicial discretion, which must be exercised judiciously and reasonably in the facts and circumstances of a case. It will depend upon the breach of fundamental rights, and the remedy claimed, and when and how the delay arose. There is no period of limitation prescribed for the courts to exercise their constitutional jurisdiction to do substantial justice.

12.13. In a case where the demand for justice is so compelling, a constitutional court would exercise its jurisdiction with a view to promote justice, and not defeat it. [P.S. Sadasivaswamy v. State of T.N., (1975) 1 SCC 152 : 1975 SCC (L&S) 22]"

[Emphasis supplied]

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49. Similarly, this Court in its decision in Maharashtra State Road Transport Corporation v. Balwant Regular Motor Service, (1969) 1 SCR 808 held that:

"Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon

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> *principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy."*
>
> *[Emphasis supplied]*
>
> --- ---
>
> *51. The decisions of this Court have consistently held that the right to property is enshrined in the Constitution and requires that procedural safeguards be followed to ensure fairness and non-arbitrariness in decision-making especially in cases of acquisition by the State. Therefore, the delay in approaching the court, while a significant factor, cannot override the necessity to address illegalities and protect right to property enshrined in Article 300A. The court must balance the need for finality in legal proceedings with the need to rectify injustice. The right of an individual to vindicate and protect private property cannot be brushed away merely on the grounds of delay and laches."*

9. Learned counsel for the appellants on being confronted with the judgments of Hon'ble Supreme Court in ***Pathapati Subba Reddy (supra)***, ***Shivamma (Dead) (supra)***, ***New Okhla Industrial Development Authority (supra)***, ***Suresh Kumar (supra)*** and ***Urban Improvement Trust (supra)*** expressed his inability to controvert that in view of inordinate delay, the appellants are not entitled to interest.

10. A conspectus of the aforesaid judgments of Hon'ble Supreme Court reveals that liberal approach in case of application of a landowner seeking condonation of delay in land acquisition matter should be adopted. The Court has approved condonation of delay of more than 20 years. Cases

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of landowners must not be treated at par with other cases. Delay irrespective of number of years ought to be condoned.

11. In the wake of statement of both sides and afore-cited judgments, application for condonation of delay stands allowed and delay in filing enclosed appeal is hereby condoned.

RFA-11-2024 (MAIN CASE)

1. The appellants through instant appeal under Section 54 of Land Acquisition Act, 1894 are seeking setting aside of award dated 13.11.2017 whereby Ld. Additional District Judge, Panchkula did not award claimed amount of compensation.

2. Learned counsel for the appellants submits that issue involved herein is squarely covered by order dated 10.01.2020 passed by this Court in *RFA-1235-2018*.

3. On being asked, learned State counsel concedes that appellants' claim is squarely covered by aforesaid said order.

4. The appeal is hereby allowed in terms of order dated 10.01.2020 passed by this Court in *RFA-1235-2018*. It is made clear that appellants shall not be entitled to interest for the delayed period i.e. 1388 days.

5. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.08.2026
SDK

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

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