

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29th DAY OF APRIL 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100689 OF 2025 (LA-RES)

C/W

WRIT APPEAL NO.100688 OF 2025 (LA-RES)

IN W.A.NO.100689/2025:

BETWEEN:

KONKAN RAILWAY CORPORATION LTD.,
A CORPORATION INCORPORATED,
UNDER THE COMPANIES ACT, 1956,
HAVING REGISTERED OFFICE AT BELAPUR
BHAVAN, SECTOR 11, CBD BELAPUR,
NAVI MUMBAI – 400 614,
REPRESENTED BY ITS
SENIOR REGIONAL ENGINEER,
KONKAN RAILWAY CORPORATION LTD.,
KARWAR, SHRI. P V UDAYA BHASKAR
S/O. P. SURYANARAYA MURTHY,
AGED ABOUT 54 YEARS.

... APPELLANT

(BY SRI. ARVIND KAMATH, ADDITIONAL SOLICITOR
GENERAL FOR SRI. RAKESH M. BILKI, ADV.)

AND:

1. SMT. DEEPA DILIP NAIK
W/O. LATE ARJUN DILIP NAIK,
AGED: MAJOR, R/O: MUMBAI,
NOW AT: MALLAPUR IN KARWAR TALUK,
UTTARA KANNADA DISTRICT – 581 400.
2. SPECIAL LAND ACQUISITION OFFICER,
KONKAN RAILWAY AND
ASSISTANT COMMISSIONER,

KARWAR SUB - DIVISION,
AT KARWAR – 581 301.

4. DEPUTY COMMISSIONER,
UTTARA KANNADA DISTRICT,
OFFICE OF THE DEPUTY COMMISSIONER,
AT KARWAR – 581 301.

... RESPONDENTS

(BY SRI. MURTHY D. NAIK, SENIOR COUNSEL FOR
SRI. P.G. CHIKKANARAGUND, ADV. FOR C/R1;
SRI. PRAVEEN UPPAR, AGA for R2 & R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4
OF THE KARNATAKA HIGH COURT ACT, 1961 R/W
ARTICLE 226 OF THE CONSTITUTION OF INDIA,
PRAYING TO SET ASIDE THE ORDER OF THE LEARNED
SINGLE JUDGE IN WP NO.105586/2023 DATED
11.06.2025 AND ALLOW THE WRIT PETITION AS
PRAYED FOR, IN THE INTEREST OF JUSTICE AND
EQUITY.

IN W.A.NO.100688/2025:

BETWEEN:

KONKAN RAILWAY CORPORATION LTD.,
A CORPORATION INCORPORATED,
UNDER THE COMPANIES ACT, 1956,
HAVING REGISTERED
OFFICE AT BELAPUR BHAVAN,
SECTOR 11, CBD BELAPUR,
NAVI MUMBAI – 400 614,
REPRESENTED BY SENIOR REGIONAL
ENGINEER, KONKAN RAILWAY
CORPORATION LTD., KARWAR,
SHRI. P V UDAYA BHASKAR
S/O. P. SURYANARAYA MURTHY,
AGED ABOUT 54 YEARS.

... APPELLANT

(BY SRI. ARVIND KAMATH ADDITIONAL SOLICITOR
GENERAL FOR SRI. RAKESH M. BILKI, ADV.)

AND:

1. SRI. VITHOBHA PHAYDE,
(SINCE DEAD, BUT NOT HAVING
BROUGHT LEGAL REPRESENTATIVES
ON RECORD THE IMPUGNED AWARD
RAMAINS MADE IN FAVOR OF A DEAD
PERSON)
2. SPECIAL LAND ACQUISITION OFFICER,
KONKAN RAILWAR AND ASSISTANT
COMMISSIONER, KARWAR
SUB-DIVISION, AT KARWAR – 581 301.
4. DEPUTY COMMISSIONER,
UTTARA KANNADA DISTRICT,
OFFICE OF THE DEPUTY COMMISSIONER,
AT KARWAR – 581 301.

... RESPONDENTS

(BY SRI. MURTHY D. NAIK, SENIOR COUNSEL FOR
SRI. P.G. CHIKKANARAGUND, ADV. FOR C/R1;
SRI. PRAVEEN UPPAR, AGA FOR R2 & R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4
OF THE KARNATAKA HIGH COURT ACT, 1961 R/W
ARTICLE 226 OF THE CONSTITUTION OF INDIA,
PRAYING TO SET ASIDE THE ORDER OF THE LEARNED
SINGLE JUDGE IN WP NO.105650/2023 DATED
11.06.2025 AND ALLOW THE WRIT PETITION AS
PRAYED FOR, IN THE INTEREST OF JUSTICE AND
EQUITY.

THESE WRIT APPEALS HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT ON 27.04.2026 COMING
ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANAVAR

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD)

The writ Court by its impugned common order dated 11.06.2025 has disposed of a series of writ petitions including the writ petitions filed by the appellant, M/s. Konkan Railway Corporation Limited [*M/s Konkan Railways*], in W.P. Nos. 105586/2023 and 105650/2023. M/s Konkan Railways has filed these writ petitions calling in question certain awards passed by the jurisdictional Special Land Acquisition Officer. The Special Land Acquisition Officer [*SLAO*] by these impugned awards dated 01.07.2022 and 17.12.2022 has allowed the applications filed by the corresponding contesting respondents [*the contesting respondents*] under Section 28-A of the Land Acquisition Act, 1894 [for short, '*the LA Act*'] directing M/s Konkan Railways to pay enhanced compensation based on the market value of Rs.18,250/- per gunta with other benefits.

2. The SLAO's order is based on the Apex Court's decision dated 06.07.2012 in Special Leave to Appeal [Civil] No.18119/2012 emanating from the reference in LAC No 174/1996. The details of the lands owned by the contesting respondent and the corresponding proceedings are as follows:

Name of the Contesting Respondent/owner	LAC No. and the corresponding WP No. & WA No.	The details of the lands acquired
Sri Vithoba Shankar Phayade	LAC No.28[A]/50/2012-13 WP 105650/2023 WA 100688/2025	1 Acre 28-12 Guntas in Sy. No.218/1 of Shirwad Village, Karwar Taluka, Uttara Kannada District
Smt. Deepa Dilip Naik	LAC No.28[A]/65/2012-13 WP 105586/2023 WA 100689/2025	3 Acres 7-8 Guntas in Sy. No.218/5 of Shirwad Village, Karwar Taluka, Uttara Kannada District

The details of the acquisition, the enhancement under Section 18 of the LA Act and date of the applications filed by the contesting respondents under Section 28-A of the LA Act.

Name of the contesting respondent/owner	Date of the Award under Sec.18 of the LA Act	Date of the application under Sec. 28-A
Sri Vithobha Shankar Phayade	31.7.2008	5.11.2008 ¹
Smt. Deepa Dilip Naik	31.7.2008	17.11.2008

3. The preliminary notifications are for acquisition of the aforesaid lands for Konkan Railway Project between Roha in Maharashtra and Thokkur [near Mangalore] in Karnataka under Section 4(1)(a) of the LA Act. These Notifications are issued on 09.10.1993 and 08.07.1991. The final notifications are issued on 14.07.1992 and 24.02.1995, and the SLAO's awards under Section 11 of the LA Act are dated 26.03.1994 and 11.01.1996. The possession of the subject lands is taken in the interregnum on 29.07.1994. The contesting respondents have not filed any application for enhancement in the

¹ *The writ Court's order mentions the date of applications as 17.11.2008, but from Annexures E and F in WP 105650/2023 [copies of the applications] it is seen that these applications are dated 05.11.2008 and 17.11.2008.*

compensation under Section 18 of the LA Act, but a few others whose lands are also notified under the aforesaid notifications have filed an application for reference under Section 18 of the LA Act. One such application is registered in LAC No.174/1996.

4. The reference Court, by its judgment dated 31.07.2008², has allowed this reference enhancing the market value to Rs.11,500/- per gunta. The reference Court's judgment and award in LAC No.174/1996 is carried in appeal in MFA No.22574/2009 and in MFA CROB No.802/2010. This appeal and cross objections are disposed of permitting enhancement in the market value from Rs.11,500/- per Gunta to Rs.18,500/- per gunta. The further challenge on the determination of the market value with the Apex Court in SLP (C) No.18119/2012

² *The reference Court's judgment and award dated 31.07.2008 is based on its judgment and award dated 15.02.2008 in another reference in LAC No.162/1996. The reference Court's initial award in LAC No.162/1996 is set aside and restored for consideration and on reconsideration the market value is enhanced to Rs.18,250/- per gunta.*

is unsuccessful with those appeals being dismissed on 06.07.2012.

5. In the interregnum *i.e.*, after the reference Court's order dated 31.07.2008 in LAC No.174/1996, the contesting respondents have filed applications under Section 28-A of the LA Act. The details of the date of these applications are as follows:

The WP / WA	Date of application under Sec.28-A of the LA Act	The date of registration of the application by the SLAO	The date of issuance of notice of the application to M/s. Konkan Railways
Mr. Vithoba Shankar Phayade [Appellant in WA No.100689/2025]	05.11.2008	19.01.2009	29.12.2012
Ms. Deepa Dilip Naik [Appellant in WA No.100688/2025]	17.11.2008	19.01.2009	29.12.2012

The contesting respondents have filed their applications under Section 28-A of the LA Act enclosing a photocopy of a certified copy of the reference Court's award dated 31.07.2008 in LAC No.174/1996. The contesting respondents have not

filed separate copy applications with the reference Court for a certified copy of the award dated 31.07.2008.

6. M/s. Konkan Railways has filed the corresponding writ petitions against the awards dated 01.07.2022 and 17.12.2022 under Section 28-A [1] of the LA Act contending *inter alia* that the SLAO could not have entertained the applications because the contesting respondents have not filed their applications under Section 28-A of the LA Act within three months as contemplated under Section 28-A(1) of the Act. The writ Court, in the light of the fact that the contesting respondents have not filed a certified copy of the reference Court's judgment and award dated 31.07.2008 but have enclosed a photocopy of the award and the principal contention that the application is filed beyond three months, has formulated the following questions³ for its decision.

³ *The questions recorded as above are not verbatim extract of the questions as formulated by the writ Court but captures the essence of those questions.*

- [a] *Whether a land looser filing an application under Section 28-A of the LA Act for enhancement is required to obtain a certified copy in his / her name to file such application.*
- [b] *Is the period of three months mentioned in Section 28-A(1) of the LA Act and the proviso thereto required to be calculated from the date of the award under Section 18 of the LA Act or is it to be computed from the date of the applicant's knowledge of such award?*
- [c] *Whether the contesting respondents have filed their applications under Section 28-A of the LA Act within the period of three months contemplated under Section 28-A(1) and the proviso thereto.*

7. The writ Court has answered the first question holding that an application can be filed under Section 28A of the LA Act without producing a certified copy of the award under Section 18 thereof as a photocopy will suffice but stipulating that the

concerned SLAO will have to examine whether the enhancement under Section 18 of the LA Act would be relevant for enhancement under Section 28-A of the LA Act. Further, the writ Court has concluded that the benefit of exclusion of the time taken by the concerned reference Court to issue a certified copy [*exclusion of copying time*] as contemplated under the proviso to Section 28-A(1) of the LA Act must be extended not only when the application under Section 28-A of the LA Act is by ‘*the copy applicant*’⁴ but also by ‘*a non applicant*’ or a learned counsel.

8. The writ Court has opined that for the purposes of computing the period of three months contemplated under Section 28-A(1) of the LA Act, the

⁴ *The Copy Applicant is one who has filed an application under Section 18 of the LA Act and has also filed an application for the issuance of a certified copy, and*

a Non-Applicant is the one who files neither the application under Section 18 of the Act nor for a certified copy of the award but relies upon a photocopy of such award to make an application under Section 28-A of the LA Act.

These expressions are used accordingly in this Order.

date of the reference Court's award under Section 18 of the LA Act would be material and not the date of knowledge of the applicant. However, the writ Court has opined that the legislature must consider this aspect as it imposes an unfair obligation on a land-loser to monitor a reference application filed by another under Section 18 of the LA Act and to file his own application under Section 28-A of the LA Act within a period of three months from the date of the reference Court's award.

9. The writ Court has opined that because the contesting respondents must be admitted to the benefit of the exclusion of the time taken by the reference Court to issue a certified copy, though on the application filed for such copy by another [*a copy applicant*], the applications filed by them under Section 28-A of the LA Act is within time. The writ Court has in effect observed that three [3] months allowed under Section 28-A (1) of the LA Act to file an application for enhancement expired on 31.10.2008

but because the reference Court has taken 30 days to issue a certified copy on an application by the copy applicant, the applications filed by the contesting respondents on 05.11.2008 and 17.11.2008 would be in time.

10. At this stage, this Court must also observe that M/s. Karnataka Neeravari Nigam Limited had also filed writ petitions disputing its liability to pay interest to the corresponding contesting respondents. The writ Court has disposed of those writ petitions as well by the impugned common order answering a separate set of questions framed relevant to the same. The writ Court in answering all these questions, including the questions relevant to these proceedings, has opined that Section 28-A of the LA Act, which is introduced by way of an amendment in the year 1984, is a beneficial piece of legislation and therefore the benefit of exclusion of the time taken by the reference Court to issue a certified copy must be excluded to ensure that the land-losers have the

advantage of this beneficial legislation. The writ Court's further observation are paraphrased thus:

[a] If the *copy applicant* could be extended the benefit of the exclusion of the copying time, the exclusion of such benefit to a *non-applicant* would be artificial and discriminatory especially when it is permissible in law for both a *copy applicant* and a *non-applicant* to file applications under Section 28-A of the LA Act.

[b] When the application for a copy of the award under Section 18 of the LA Act is made, the delay in furnishing a certified copy is only because of the concerned Court and therefore the persons who propose to rely upon such certified copy cannot be put to a

hardship in denying the benefit of
exclusion.

11. Sri Arvind Kamath, a learned Additional Solicitor General, is categorical in submitting that M/s. Konkan Railways cannot have a quarrel with the writ Court's finding that both a *copy applicant* and a *non- applicant* can file an application under Section 28-A of the LA Act so long as either a certified copy of such award or a photocopy thereof is enclosed to the application under Section 28-A of the LA Act. The learned Additional Solicitor General prefaces his submissions paraphrasing M/s. Konkan Railways case, and his prefatory statement is that there will be a substantial financial burden in paying enhanced compensation to the contesting respondents if the same is entertained notwithstanding the fact that the application under Section 28-A of the LA Act is beyond three months and when the contesting respondents are not entitled for exclusion of copying time.

Sri Arvind Kamath's submissions:

12. An applicant under Section 28-A of the LA Act [*an applicant*] can file either a certified copy of the award under Section 18 of the Act or a photocopy of a certified copy of the award; however,

[i] if an applicant chooses to file a photocopy of the award under Section 18 of the Act [*a non-applicant*] along with the application under Section 28-A of the LA Act, this applicant must file the application within three [3] months from the date of the award, and

[ii] if an applicant chooses to file a certified copy of the award under Section 18 of the LA Act [*a copy applicant*] along the application under Section 28-A of the LA Act, this applicant will be entitled to *the exclusion of the copying time* provided under the proviso to Section

28-A[1] of the Act only when the application for such certified copy is filed within three [3] months from the date of the award under Section 18.

12.1 The Legislature intended the exclusion of the time taken by a reference Court to issue a certified copy as envisaged under the proviso to Section 28-A[1] of the LA Act to be specific to a *copy applicant* and not to every person [*a non-applicant*] who wants to rely upon a photocopy of such certified copy. The Legislature intended the exclusion of *the copying time* as an inalienable benefit allowed to a *copy applicant* alone.

12.2 The Section 28-A of the LA Act is a beneficial piece of legislation for the benefit of even those who may not have made an application for reference under Section 18 of the Act, but because the benefit is predicated on an application being made within 3 [three] months, the proviso appended to Section 28-A[1] which envisages *exclusion of the*

copying time must be interpreted strictly and must not be given an interpretation based on the beneficial substantive law.

12.3 The benefit as contained in the proviso to Section 28-A[1] of the LA Act i.e. *exclusion of the copying time* is attached to the *copy applicant* [or *anybody who presents that particular certified copy*] because **[a]** the *copy applicant*/the person who relies upon it would have been diligent and put in efforts in making the application within 3 [three] months but is handicapped because the reference Court could not deliver the copy within such time, and **[b]** the exclusion under the proviso runs with the certified copy because the exclusion of time taken for issuance of copy under the proviso to Section 28-A[1] of the LA Act is akin to exclusion of time contemplated under Section 12[2] of the Limitation Act, 1963 [*the Limitation Act*].

12.4 A Division Bench of the Gujarat High Court in ***Gujarat Housing Board vs. Special Land Acquisition Officer***⁵ has underscored this while deciding on a request for the exclusion of the time being extended to even a *non-copy applicant*. If the date of the applicant's knowledge of the award is not determinative, but the date of the award is, and exclusion is only to the *copy applicant* and not to every person, the decision of the Apex Court in ***Popat Bahiru Govardhane and Others v. Special Land Acquisition Officer and Another***⁶ that law of limitation may harshly affect a particular person but has to be applied with all its rigour when the statute so prescribes must prevail because Courts cannot extend the period of limitation on equitable grounds.

Sri Murthy D. Naik's submissions:

13. Sri Murthy D. Naik, the learned Senior Counsel for the contesting respondents, emphasizing

⁵ 1998 SCC OnLine Guj 261

⁶ (2013) 10 SCC 765

the undisputed facts and the now accepted position that *an applicant* can enclose only a photocopy of the award under Section 18 of the LA Act rebuts the assertion that these respondents have not been diligent and that as *non-copy applicants* they should be denied the benefit of exclusion of the copying time taken by the reference Court, and the learned Senior Counsel argues the following.

13.1 M/s. Konkan Railways cannot dispute that the contesting respondents have filed their applications under Section 28-A[1] of the LA Act at the first available opportunity and within the prescribed time limit under Section 28-A[1] and the proviso thereto and that this can be seen from the following undisputed facts and circumstances: **[i]** the award under Section 18 of the LA Act in LAC No.174/1996 is dated 31.07.2008, **[ii]** the contesting respondents had to file their applications under Section 28-A of the LA Act within three [3] months from this date *i.e.*, 31.10.2008, **[iii]** the contesting

respondents have filed their applications either on 05.11.2008 or 17.11.2008, and this delay of 05-17 days is only because the contesting respondents could not have the advantage of even a photocopy of the award under Section 18 of the LA Act.

13.2 The contesting respondents could get a certified copy only when a learned advocate, who on 01.08.2008 had filed an application for the certified copy of the award dated 31.07.2008, and received the certified copy on 19.09.2008. Inarguably, the application for the certified copy of the award dated 31.07.2008 is filed within three [3] months from the date of the award. If the contesting respondents have waited for a certified copy to get a photocopy thereof, and if the reference Court has taken sometime to issue a certified copy of the award, the time taken by the reference Court to issue the certified copy must be added to decide whether the application under Section 28-A(1) of the LA Act is within time.

13.3 The writ Court, in these circumstances has opined that there would be an artificial and a discriminating differentiation if the benefit of the proviso to Section 28-A[1] of the LA Act is confined to only a *copy applicant* and that an applicant cannot be made to suffer because of the time taken by the reference Court to issue a certified copy. The proviso to Section 28-A[1] of the LA Act uses the expression a '*copy*', and it does not mention a '*certified copy*'. M/s. Konkan Railways' case that the exclusion of copying time is applicable only when an application under Section 28-A[1] of the LA Act is by a *copy applicant* [the person who has filed an application for a certified copy and for an award under Section 18 of the LA Act], would be reading into the provision violating statutory rule of interpretation that plain meaning must be attributed to the expressions used in a statute.

13.4 The Apex Court in ***Union of India v. Hansoli Devi***⁷, while considering provisions of Section 28-A of the LA Act, has reiterated that if the words of the statute are in themselves precise and unambiguous, it will not be necessary to expound those words than in the natural and ordinary sense and that the words themselves best declare the legislature's intention. The proviso to Section 28-A[1] of the LA Act in providing for exclusion of copying time is categorical and unambiguous, and it does not admit an interpretation to confine the benefit only to a case where certified copy is produced, especially when it is not disputed that Section 28-A[1] of the LA Act is a beneficial piece of legislation.

The Point for Consideration:

14. This Court frames the following question for consideration in the light of the undisputed facts as afore and the rival submissions.

⁷ [2002] 7 SCC 273

Whether this Court must interfere with the writ Court's opinion that distinguishing between a copy applicant and a non-copy applicant for exclusion of the copying time, as envisaged under the proviso to Section 28-A[1] of the LA Act, would be artificial and discriminatory.

This Court's Reasoning:

15. The undisputed facts are that the contesting respondents have filed only a photocopy of the award dated 31.07.2008 along with their applications under Section 28-A of the LA Act thereof. The contesting respondents' applications under Section 28-A of the LA Act undoubtedly would have been in time if the applications were filed by 31.10.2008. These applications are dated 05.11.2008 and 17.11.2008. A learned counsel has filed an application for a certified copy with the reference Court on 01.08.2008. The office of the reference

Court has prepared the certified copy for issuance on 30.08.2008 and the certified copy is delivered on 19.09.2008. If there can be exclusion/addition of the time taken to keep the certified copy ready for computing the period of three months contemplated under Section 28-A[1] of the LA Act, the contesting respondents' applications will be in time.

15.1 The primary canvass as against the distinction between *a copy applicant* and *a non-copy applicant* for exclusion of the copying time is based on the assertion that the legislature intended to confine the benefit of exclusion to those who are diligent in making an application for a certified copy in time [within three months] and pursuing the same, and as an inalienable right in *a copy applicant*. It is argued that this would be a crucial factor to distinguish between a *copy* and *a non-copy applicant* and especially when the settled law is that the provisions relating to limitation must be strictly applied. The contentions in this regard are essentially

built upon the decision of a Division Bench of the Gujarat High Court in **Gujarat Housing Board vs. Special Land Acquisition Officer and others** [supra] wherein it has been held as follows.

“23.....we find that so far as the proviso under Section 28-A and Section 12(2) of the Limitation Act are concerned, the same are pari materia and what we find is that only that party which has been handicapped from filing the application/appeal etc., within time on account of the period which is taken in obtaining the certified copy is entitled to the benefit of such time for the purpose of limitation. The party which has not spent such time can never be entitled to claim benefit under this provision and the party which had never applied for certified copy and which has not suffered any handicap on that account, cannot take the benefit of the disability of some other party in obtaining the certified copy. Even otherwise, it does not stand to reason that a party which never applies for the certified copy should be given the benefit of the period taken in obtaining the certified copy by some other party.”

15.2 In **Popat Bahiru Govardhane and others** [supra], in a case where the application under

Section 28-A[1] of the LA Act was admittedly beyond three [3] months from the date of the award under Section 18 of the LA Act and an application was filed under Section 5 of the Limitation Act seeking condonation of delay, the Apex Court has held as follows.

“16. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim “dura lex sed lex” which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute. “A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.””

15.3 This proposition is also relied upon to contend that this Court must confine the benefit of

exclusion of copying time envisaged under the proviso to Section 28-A[1] of the LA Act only to a *copy applicant*. However, this Court must refer to the decision of the Apex Court in **India House vs. Kishan N. Lalwani**⁸ because the argument in favour of a strict interpretation and a denial of the benefit under proviso to Section 28-A[1] of the LA Act is built on the *pari materia* provision in Section 12(2) of the Limitation Act and the decision of the Gujarat High Court in **Gujarat Housing Board** [*supra*]. The Apex Court, while considering the Section 12(2) of the Limitation Act has held as follows.

“7.*The period of limitation statutorily prescribed has to be strictly adhered to and cannot be relaxed or departed from for equitable considerations. At the same time full effect should also be given to those provisions which permit extension or relaxation in computing period of limitation such as those contained in Section 12 of the Limitation Act. The underlying purpose of these provisions is to enable a litigant seeking enforcement of his right*

⁸ [2003] 9 SCC 393

to any remedy to do so effectively and without the harsh prescription of time-bar not unduly interfering in the exercise of statutory rights and remedies. That is why Section 12 has always been liberally interpreted. To wit, the time requisite for obtaining a copy of the impugned decree, sentence or order has been held liable to be excluded from computing the period of limitation although such copy may not necessarily be required to be filed along with appeal, application or memo of representation or review. No distinction is drawn between decrees or orders pronounced on the original side or the appellate or revisional side. No application is required to be made seeking the benefit of Section 12 of Limitation Act; it is the statutory obligation of the Court to extend the benefit where available. Although the language of sub-Section (2) of Section 12 is couched in a form mandating the time requisite for obtaining the copy being excluded from computing the period of limitation, the easier way of expressing the rule and applying it in practice is to find out the period of limitation prescribed and then add to it the time requisite for obtaining the copy - the date of application for copy, and the date of delivery, thereof both included - and treat the result of addition as the period of limitation.”

The underlining is by this Court

15.4 This Court on a reading of these decisions is of the opinion that the period of three [3] months provided for under Section 28-A[1] of the LA Act must be strictly applied, and that this period cannot be extended by entertaining an application under Section 5 of the Limitation Act to examine the cause shown to decide whether the application for compensation under Section 28-A of the LA Act filed beyond the prescribed period could be sustained. However, the proviso to Section 28-A[1] of the LA Act, which is in *pari materia* with the provisions of Section 12(2) of the Limitation Act and which encompasses an obligation on the Courts / authorities to issue a certified copy, must be liberally construed so that a beneficiary is not denied such benefit.

15.5 The other aspect that this Court must also consider is the reliance on the rule of interpreting a statute, or a provision in the statute, when the language therein is plain and unambiguous. An important aspect of this rule, even

as underscored by the Apex Court in the recent decision in **Allahabad University etc., v. Geetanjali Tiwari (Pandey) and others**⁹ is that a statute will have to be read in a natural manner, plain and straight, without adding, substituting or omitting any words. The Apex Court in this decision, while reiterating the afore, has also reiterated that while using the tools of interpretation, a Court as an interpreter cannot alter or amend the law and it can only interpret the provision to make it meaningful and workable so as to achieve the legislative object, remarking that interpretation is not to make a provision what the Judge thinks it should be but to make it what the legislature intended it to be.

15.6 This Court must next observe that it is reiterated frequently that Section 28-A of the LA Act is introduced as beneficial legislation to ensure that all the land-losers are paid on the same footing but subject of course to the restriction that the

⁹ (2024) 20 Supreme Court Cases 23

application under Section 28-A of the LA Act by a land-loser, who did not make an application under Section 18 thereof is within three months from the date of award under Section 18 of the LA Act.

15.7 There cannot be any quarrel with the contention on behalf of M/s. Konkan Railway that when an applicant [*an applicant under Section 28-A of the LA Act*] chooses to file a certified copy of an award under Section 18 of the LA Act in support of his application, this applicant would be entitled to the benefit under the proviso to Section 28-A[1] of the LA Act only when the application for such certified copy is filed within three months from the date of the award under Section 18 of the LA Act. If there cannot be a quarrel about this and if it is admitted that the Legislature also permitted filing a photocopy of the award under Section 18 of the LA Act in support of the application under Section 28-A[1], this Court, in view of the expression *a copy* of the award [as against the expression *a certified copy*], is of the view that the

Legislature did not carve out categories of *copy applicants and non-copy applicants* to deny the exclusion of the copying time. In the light of the afore, the question framed is answered against the appellant.

Hence, the writ appeals are ***rejected***.

Sd/-
(B.M.SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANAVAR)
JUDGE

KMS & RSH
CT: ASC