CNR No: PHHC010759832024
2026:PHHC:195246

104 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

****

RFA-725-2024 (O&M)
Date of Decision: 31.10.2026

Ved parkash (Deceased) Through LRs

...Appellant

Versus

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ajit Singh, Advocate for
Mr. Deepak Chauhan, Advocate
for the appellant.

Mr. Abhinash Jain, Addl. A.G., Haryana.

****

JAGMOHAN BANSAL, J. (ORAL)

CM-1818-CI-2024

1. The applicant through instant application is seeking condonation of delay of 3039 days in filing the main appeal.

2. The applicant is seeking condonation on the ground that she was not aware of the status of the case. 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 appellant is covered by judgment of this Court, however, Hon'ble Supreme Court has repeatedly held that landowner would not be entitled to statutory benefits and interest for the period of delay.

4. 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

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document

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 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 beentitled 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,*

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document

> *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*]

5. 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*

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document

> *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 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."*

6. 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

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document

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 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]"*
>
> --- --- --- --- ---
>
> *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*

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document

> *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 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."*

7. Learned counsel for the appellant on being confronted with the judgments of Hon'ble Supreme Court in ***New Okhla Industrial Development Authority (supra), Suresh Kumar (supra)*** and ***Urban Improvement Trust (supra)*** expressed his inability to controvert that in

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document

view of inordinate delay, the appellants are not entitled to statutory benefits and interest.

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

9. 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 subject to the condition that appellant shall not be entitled to statutory benefits and interest.

RFA-725-2024 (O&M)

1. The appellant through instant appeal under Section 54 of Land Acquisition Act, 1894 is seeking setting aside of award dated 17.12.2013 whereby Ld. Additional District Judge, Jind did not award claimed amount of compensation.

2. Notice of motion.

3. Mr. Abhinash Jain, Additional Advocate General, Haryana who on advance notice is present in Court accepts notice on behalf of respondent-State.

4. On the request of both sides, the appeal is taken up for adjudication.

5. Learned counsel for the appellant submits that issue involved herein is squarely covered by judgment dated 25.07.2013 passed by this Court in ***RFA-919-2022*** titled as '***Kashmir Singh Versus State of Haryana and others'***.

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document

6. On being asked, learned State counsel concedes that appellant's claim is squarely covered by aforesaid order.

7. The appeal is hereby allowed in terms of order dated 25.07.2013 passed by this Court in ***RFA-919-2022*** titled as '***Kashmir Singh Versus State of Haryana and others'***. It is made clear that appellant shall not be entitled to interest for the delayed period i.e. 3039 days and statutory benefits.

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

(JAGMOHAN BANSAL)
JUDGE

31.10.2026
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No

PRINCE CHAWLA
2026.10.31 14:40
I attest to the accuracy and
integrity of this document