



2026:CGHC:17378

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 121 of 2022

1. National Highway Authority Of India Through Project Director, National Highway No. 6, Project Implementation Unit, Raipur, House No. 5196, Behind Bti College , Shankar Nagar, Raipur 492001, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Project Director National Highway Authority Of India, Project Implementation Unit, Raipur, House No. 5196, Behind BTI College , Shankar Nagar, Raipur 492001, District Raipur Chhattisgarh.

... Petitioner(s)

versus

1. Shankar Singh Kothari S/o Shri Kanhaiya Lal Kothari Aged About 53 Years R/o Kamthi Line, Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

2. Union Of India Through Secretary Ministry Of Road Transport And Highways New Delhi.

3. The Sub Divisional Officer (Revenue) Cum Competent Authority For Land Acquisition Officer National Highway Acquisition Rajnandgaon, District Rajnandgaon Chhattisgarh.

... Respondent(s)

For Petitioner : Mr. Dhiraj Kumar Wankhede, Advocate

For Respondent No. 1 : Mr. Ashish Surana, Advocate

For Respondent No. 2 : Ms. Shweta Rai on behalf of Mr. Ramakant Mishra, DSGI

For Respondent No. 3/ : Mr. Anand Gupta, Dy. G.A.
State

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

16/04/2026

1. The review petitioner NHAI (respondent in WPC) seeks review

of the order dated 07.03.2022 passed in WPC No. 1286 of 2018 on the ground that CALA (Competent Authority for Land Acquisition) cannot modify the award once passed.

2. The writ petition bearing WPC No. 1286 of 2018 was preferred by the writ petitioner (respondent No. 1 herein), for issuance of appropriate direction to the concerned authority for payment of amount of compensation as determined vide award dated 21.12.2017 in the Land Acquisition Case No. 1A-82/2016-17. It was further stated that the land belonging to the petitioner was acquired by respondent/ NHAI for the purpose of widening and upgradation of National Highway No.06. Land acquisition proceeding was initiated, in which the award dated 21.12.2017 was passed granting compensation of Rs. 1,06,49,302/- for the acquired land & property and Rs.15,93,644/-for rehabilitation and settlement but no amount of compensation was paid to the petitioner.
3. The said petition was disposed off by this court vide order dated 07.03.2022, which is sought to be reviewed, in the following terms :

“7. Hence, there being no such power of review available to the respondent No.4, a request if any that has been made by the respondent No.1, 2 and 3 is without any consequence and that does not lead to any lawful remedy. Therefore, the award dated 21.12.2017 that has been passed in this case in favour of the petitioner by respondent No.4 is

subject to compliance by the respondent No.1, 2 and

8. Hence, on the basis of the discussions made hereinabove, this petition is allowed and disposed off at the motion stage. The respondent No.1, 2 and 3 are directed to make payment of the compensation as determined by the respondent No.4 in award dated 21.12.2017 within a time limit of 90 days from today and on deposition of such compensation amount, the respondent No.4 is directed to make disbursement of the compensation amount to the petitioner at the earliest.

9. With these directions, the petition is disposed off.”

4. (a) Now the present review has been filed by the petitioner/NHAI and submits that the order dated 07.03.2022 passed in W.P.C. No. 1286 of 2018 suffers from an error apparent on the face of the record, warranting interference under Order XLVII Rule 1 of the CPC. It is contended that in paragraph 3 of the said order, has erroneously recorded that the petitioner NHAI has sought review of the award dated 21.12.2017 vide letter dated 25.01.2018, whereas in fact no such request for review was ever made. It is further submitted that the letter dated 25.01.2018 merely pointed out defects in the award dated 21.12.2017 and sought re-examination and

issuance of a legally valid award, which is distinct from seeking a review. He further submits that under the National Highways Act, 1956, the CALA has no power of review, and once an award is passed, the authority becomes *functus officio*. Therefore, the subsequent award dated 21.12.2017, being in the nature of a review of the earlier award dated 20.07.2017, is without jurisdiction, illegal, and a nullity in the eyes of law. It is further contended that the power of review is not inherent and must be conferred by statute expressly or by necessary implication. In the absence of any such provision, any exercise of review jurisdiction is ultra vires. The legal position in this regard is well settled.

(b) Learned counsel also submits that this Court has failed to consider the relevant material on record, including the letter dated 29.04.2015 issued by the Ministry of Road Transport and Highways, which mandates that compensation under the National Highways Act is to be determined in accordance with Schedule I of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Thus, it is submitted that the impugned order suffers from a manifest error apparent on the face of the record, the detection of which does not require elaborate reasoning. If allowed to stand, it would result in grave miscarriage of justice.

5. On the other hand, learned counsel for respondent No.1 (writ petitioner) submits that the present review petition is wholly misconceived, devoid of merit, and liable to be dismissed, as no

ground under Order XLVII Rule 1 CPC is made out. It is contended that the order dated 07.03.2022 passed in W.P.(C) No. 1286 of 2018 does not suffer from any error apparent on the face of the record. It is further submitted that the contention of the review petitioner/NHAI that the Court misconstrued the letter dated 25.01.2018 is incorrect. On the contrary, the said observation was based on the specific stand taken by the review petitioner itself in its reply filed in the writ petition, wherein it was categorically stated that the said letter was written to the CALA seeking review of the award dated 21.12.2017. Thus, the review petitioner is now taking a contradictory stand, which is impermissible in law. Learned counsel submits that the grounds raised in the review petition are merely an attempt to re-argue the case on merits, which is beyond the limited scope of review jurisdiction. No new evidence has been brought on record, nor is there any manifest error apparent requiring interference. It is also contended that the award dated 21.12.2017 was never challenged by the review petitioner under the provisions of the National Highways Act, 1956, and therefore, the same has attained finality and is binding upon the parties. The alleged plea regarding lack of power of review is not applicable to the facts of the present case, as no review of the award was undertaken, but only clarifications were incorporated. In view of the above, it is submitted that the present review petition is not maintainable, being an abuse of the process of law, and deserves to be dismissed.

6. I have heard learned counsel for the parties and perused the records.
7. In view of the submissions made as the dispute was regarding seeking modification by NHAI vide its communication dated 25.01.2018, however, as per the NHAI, they have not received any response pursuant to this letter from the CALA. This court vide order dated 09.02.2026 directed the State to file affidavit stating the action taken and the response given to NHAI on its communication dated 25.01.2018. In compliance of the court order the affidavit dated 09.03.2026 has been filed along with the necessary documents.
8. Perusal of the affidavit shows that in reply of the communication dated 25.01.2018, the office of Sub Divisional Officer (Revenue) and Land Acquisition Officer, Rajnandgaon, District Rajnandgaon (C.G.) has already issued a memo on 04.05.2018 to the Project Director, National Highway Authority of India, Project Implementation Unit, Behind BTI College, Shankar Nagar, Raipur, Chhattisgarh whereby, the objection raised in the aforesaid communication letter dated 25.01.2018, have already been replied along with the calculation sheet in accordance with Schedule-I.
9. Further, the perusal of the order sheet dated 30.03.2026 reflects that the NHAI is ready to comply with the award passed by the CALA but sought clarification regarding the interest part and thus the CALA and the NHAI were directed to file affidavit stating

whether the communication dated 04.05.2018 and the calculation sheet is inclusive of the interest from 06.04.2016 as narrated in the award dated 21.12.2017 annexed at page 56 or not.

10. In compliance of order dated 30.03.2026, the NHAI has filed its affidavit on 16.04.2026 stating whether the communication dated 04.05.2018 and the calculation sheet include interest from 06.04.2016 as per the award dated 21.12.2017. Perusal of the same shows that the NHAI addressed a letter dated 01.04.2026 to the Competent Authority for Land Acquisition (CALA) requesting inclusion of interest in the award dated 04.05.2018. Thereafter, a reminder dated 13.04.2026 was also sent; however, no response has been received from the said authority. The petitioner submits that it is undisputed that the landowners are entitled to interest in accordance with law. Upon perusal of the award dated 04.05.2018, it is evident that the component of interest has not been included therein. Hence, the NHAI/petitioner has requested the CALA to incorporate the interest component so that the payment of the same may be duly made to the respondent/landowner.

11. Considering the aforesaid facts, this Court does not find any error apparent on the face of the record warranting interference under Order XLVII Rule 1 of the CPC. The grounds raised by the review petitioner/NHAI essentially seek re-appreciation of the issues already considered and decided by this Court while passing the order dated 07.03.2022, which is impermissible in

the limited scope of review jurisdiction.

12. It is noteworthy to mention here that the respondent/landowner cannot be made to suffer on account of any inter se communication gap or administrative lapses between the authorities, particularly when the land has already been acquired. The obligation to pay just compensation, along with statutory interest, is absolute, and any delay in disbursement on account of internal correspondence or procedural issues cannot be a ground to deny or defer the rightful dues of the landowner.

13. In view of the aforesaid facts and circumstances of the case there is no need to interfere with the order dated 07.03.2022 passed by this Court in W.P.(C) No. 1286 of 2018. The petitioner/NHAI is directed to forthwith comply with the order passed in writ petition in its letter and spirit and ensure payment of the entire compensation amount to the writ petitioner (respondent No.1 herein) as determined in the award dated 21.12.2017 and as directed by this Court in the order dated 7.3.2022 passed in WPC No.1286 of 2018.

14. With the aforesaid observations and directions, the instant review petition stands disposed of.

Sd/-
(BIBHU DATTA GURU)
JUDGE