



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(FA) No. 11 of 2025

Date of Decision: 21.08.2025

Project Director, National High Way Authority of India

.....Appellant

-Versus-

1. State of Meghalaya
Represented by Commissioner and Secretary,
Revenue Department to the Government of Meghalaya,
Shillong -793001
2. The Collector, Ri-Bhoi District,
Nongpoh, Meghalaya-793102.
3. Rohit Deorah Director of M/S Sree Radha Creation Pvt. Ltd.
a company incorporated under the Company Act, 1956 and
having the registered office at G.S Road, Khanapara, Them
Marwet, Raid Marwet, Myllem Syhiemship
Ri-Bhoi District.

.....Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	: Ms. P. Bhattacharjee, Adv.
For the Respondent(s)	: Ms. I. Lyngwa, GA
	Ms. R. Colney, GA vice
	Mr. S. Sen, GA (For R 1 & 2)
	Mr. P. Nongbri, Adv.
	Ms. T. Sutnga, Adv. (For R 3)

i) Whether approved for reporting in

Yes/No



Law journals etc.:

ii) Whether approved for publication
in press:

Yes/No

ORDER

1. Heard Ms. P. Bhattacharjee, learned Standing Counsel for the National Highway Authority of India (NHAI) who has submitted that the appellant (sic applicant) herein, that is, the Project Director, NHAI has been arrayed as one of the Opp. Parties in a reference case under the Land Acquisition Act, 1894 being (Ref) LA Case No. 108/2015 taken up by the learned Special Judicial Officer, Ri-Bhoi District, Nongpoh.

2. In due course, the said reference case was disposed of vide a Common Judgment and Order dated 11.03.2020 wherein the amount of compensation was enhanced and upon detailing of the amount due and payable under various heads, the applicant herein was directed to satisfy the decree passed.

3. The learned counsel has submitted that as far as the case of the respondent No. 3, Rohit Deorah, Director of M/s Sree Radha Creations is concerned, the proceeding for execution of the said Award has also been initiated.

4. It is also the submission of the learned counsel that one of the parties have preferred an appeal against the said common judgment and order before this Court, the same being registered as FA No. 2 of 2022 in which the applicant herein is also one of the respondents therein.



5. In course of hearing of the said appeal, it came to light that while referring the matter to the Court of the Special Judicial Officer under section 18 of the 1894 Act, the Collector has failed to enclose the copy of the Award and therefore, the matter has proceeded before the learned Special Judicial Officer sans the said copy of the Award, submits the learned counsel.

6. This fact was not known to the applicant except when the same was made known in course of the hearing of the said appeal before this Court and immediately the applicant has filed the related appeal albeit with a delay of about 1842 days, such delay not being deliberate or intentional but for the reason aforementioned, submits the learned counsel.

7. Another aspect of the matter to prove sufficient cause is that fact that after the impugned judgment and order was passed in the year 2020, there was a CBI inquiry conducted in the office of the applicant, though not connected with the land acquisition matter herein, yet the same set of officers and staff in the administration and accounts section being involved, the learned counsel could not obtain any instructions as to how to proceed in the matter of filing of the appeal at the relevant point of time.

8. It is because of such reasons that the appeal was being able to be preferred only on 25.06.2025 thereby attracting a delay of about 1842 days in filing of the same, for which leave is sought for from this Court to condone such delay and to allow the appeal to be brought on board.



9. In support of the applicant's case, the learned counsel has cited the case of Collector, Land Acquisition, Anantnag & Anr v. MST Katiji & Ors. reported in AIR 1987 Supreme Court 1353, para 3, 4 & 5.

10. It is prayed that this application be allowed and the delay in filing the appeal be accordingly condoned.

11. Per contra, Mr. P. Nongbri, learned counsel for the respondent No. 3 while opposing the prayer made in this application has submitted that this application is not maintainable and the same is liable to be dismissed at the threshold, firstly, on the ground that no sufficient cause has been shown as to why such delay of 1842 days in filing the appeal has been occasioned.

12. The plea that the learned counsel for the applicant was unable to receive proper instructions from the relevant Officers of the NHAI since there was a CBI inquiry going on involving most of such officers and for which the applicant has filed an additional affidavit bringing on record copy of the chargesheet etc. to prove such contention, cannot be accepted since the said CBI case is not at all connected with the land acquisition matter in question, submits the learned counsel.

13. Even otherwise, the impugned judgment and order was passed in the year 2020 and the CBI proceedings commenced in the year 2022 as such, there is no reason given as to why the appeal was not filed within time, further submits the learned counsel.

14. It is also the submission of the learned counsel that the applicant herein has sought to file the appeal only on the basis of information or



knowledge available in another appeal is not warranted and uncalled for and therefore not tenable submits the learned counsel.

15. The learned counsel has also submitted that the conduct of the applicant has to be questioned inasmuch as when this respondent, on the strength of the said judgment and order dated 11.03.2020 has filed an application for execution of the said award, during the proceedings of the execution case, the applicant has admitted that no appeal has been filed against the said judgment and further that there is no objection to the execution petition filed by this respondent. This is reflected in the order dated 29.05.2025 passed in the Execution Case, being LA Execution Case No. 1 of 2024, wherein at para 6 and 9 it was observed as follows:

“6. Ld G.P representing the District Collector (O.P No.1) and Ld Counsel for the Project Director, National Highways Authority of India admitted that they have not preferred any appeal against the Judgment/Decree Dated 11.03.2020 passed by this Court. Ld. Counsels for the Opposite Parties No.1 and 2 further submits that they have no objection to the execution petition filed by Shri. Rohit Kumar Deorah, s/o (L) Raj Kumar Deorah and Director of Sree Radha Creation Pvt. Ltd however, Shri. Rohit Kumar Deorah should submit his undertaking in that behalf. Further, both counsels agreed that the calculations of the award as submitted by the Counsel for the Decree Holder is correct.

9. That since both the Judgment Debtors has no objection to the instant execution petition filed by the Decree Holders, this Court is inclined to allow the execution petition and the Decree Holder is entitled to receive an amount of Rs.61,88,299.4/- from the Judgment Debtors. This court hereby directed the Judgment Debtors to pay the amount within a period of 15(fifteen) days and the same to be deposited before this court to which the same will be handed over to the Decree Holder on the next date.”



16. The learned counsel has again submitted that the applicant through the learned counsel, Ms. P. Bhattacharjee has categorically given an undertaking in court that the award of ₹ 61,88,299/- will be satisfied within 10 days from the date when the matter was taken up before the learned Execution Court, the same being reflected in the order dated 16.06.2025 passed in the said LA Execution Case No. 1 of 2024. Therefore, the U-turn taken in preferring the related appeal at this point of time is but an abuse of the process of court, upon such consent and concession to pay the awarded amount.

17. That there is no sufficient grounds shown as to why the delay in filing the appeal is to be condoned, the conduct of the applicant in the said execution case wherein these same grounds could have been taken, that is, that no proper instructions have been received from the Officers concerned, but was not put forth before the said execution court, also reflects the attitude of the applicant which merits no consideration as far as the prayer for condonation of delay is concerned, submits the learned counsel.

18. In support of his contention, the learned counsel has cited the case of Basawaraj & Anr. v. Special Land Acquisition Officer, (2013) 14 SCC 81, para 8, 11, 12 & 15.

19. Ms. I. Lyngwa, learned GA appearing for the respondent/Collector has submitted that no argument will be advanced as far as the Collector is concerned as the issue involved is primarily one which concerns the applicant, who is to satisfy the award and the respondent No. 3 who is the beneficiary of the same.



20. This Court has given considerable attention to the contention and submission of the parties herein and under the facts and circumstances of the case of the parties, the issue to be decided is whether the applicant has made out a case for condonation of the delay of 1842 days in filing the related appeal before this Court.

21. Again, it is to be reminded that the appeal is directed against the judgment and order dated 11.03.2020, which incidentally is a common order passed in connection with (Ref) LA Case No. 108 of 2015, the claimant therein being the respondent No. 3 herein and also in (Ref) LA Case No. 109 of 2015, the claimant therein being Shri Savita Deorah and the applicant herein being the respondent No. 2 in both the cases.

22. The claimant in (Ref) LA Case No. 109 of 2015 has preferred an appeal before this Court, being FA No. 2 Of 2022 which is ongoing and one of the respondents is the applicant herein.

23. It is a fact that in course of the proceedings in the said FA No. 2 of 2022, the parties therein have brought to the notice of this Court about the fact that the copy of the award have not been submitted by the Collector before the Reference Court, which matter is under consideration.

24. Since the said discovery was made only recently, the same not being in the knowledge of the applicant herein, who has contended that it will be affected by such revelation which goes into the heart of the proceedings before the Reference Court's decision, therefore it is the opinion of this Court that such assertion has to be considered in the interest of justice.



25. Even of the other ground cited by the applicant that necessary instructions have not been received from the competent officials or authority to prefer an appeal etc. is discarded by this Court on the contention of the learned counsel for the respondent No. 3 herein, it is reiterated that the first ground mentioned above deserves consideration.

26. Irrespective of the number of days or years when the related proceedings have proceeded before the respective forums, what is material is the quality of the cause shown. The applicant has been able to convince this Court that sufficient cause has been shown to allow condonation of the delay in filing the appeal where an important aspect has to be looked into as far as the said discovery of the non-production of the said copy of the award is concerned.

27. The decision relied upon by the learned counsel for the applicant, that is, the case of Collector, Land Acquisition, Anantnag(supra) is found acceptable under the facts and circumstances of this case, the relevant paras, that is, para 3, 4 & 5 being reproduced herein as:

“3. The legislature has conferred the power to condone delay by enacting S. 5 of the Indian Limitation Act of 1963 in order to enable the Courts to do substantial justice to parties by disposing of matters on 'merits'. The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice that being the life-purpose for the existence of the institution of Courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters, instituted in this Court. But the message does not appear to have percolated down to all the other Courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:-



1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

3. “Every day's delay must be explained” does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.”

28. Even the case of Basawaraj(supra) relied upon by the learned counsel for the respondent No. 3, at para 11 of the same, the proposition penned therein would help the case of the applicant, wherein it was observed as follows:

“11. The expression “sufficient cause” should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible.”

29. In view of the above findings and observations, this Court is satisfied that sufficient cause has been shown in preferring this instant application for this Court to condone the delay of 1842 days in preferring the said appeal.



30. This application is allowed, the delay of 1842 days in filing of the appeal is hereby condoned and the applicant is allowed to file the related appeal.

31. Registry to register the said appeal and to list the same for admission within 1(one) week from today.

32. Application disposed of. No costs.

Judge