



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 30922 OF 2025 (LA-RES)

BETWEEN:

SMT. SUBBALAKSHMI S.
W/O SRIRAMAPPA,
AGED ABOUT 49 YEARS,
RESIDING AT N.G.HULKUR,
KYASAMBALLI HOBLI,
K.G.F. TALUK,
KOLAR DISTRICT-563116.

...PETITIONER

(BY SRI. K. VIJAYA KUMAR.,ADVOCATE)

AND:

1. DEPUTY COMMISSIONER AND ARBITRATOR,
(NATIONAL HIGHWAY)
KOLAR DISTRICT,
KOLAR 563101.
2. SPECIAL LAND ACQUISITION OFFICER
AND APPROPRIATE AUTHORITY,
BENGALURU-CHENNAI EXPRESS WAY
(KM 0/000 TO KM 78/870 AND
KM 82/150 TO 83/350)
NO.678/3, NEERBHAVI KEMPANNA LAYOUT,
HEBBAL, BENGALURU-560024.



3. DEPUTY CO-ORDINATOR (TECHNICAL)
AND PLANNING DIRECTOR, NHAI AND PIU,
BENGALURU-CHENNAI EXPRESSWAY,
NO.84/11, UTTARAHALLI MAIN ROAD,
KENGARI, BENGALURU-560060.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1;
SRI. N. KUMAR, ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 10.01.2024 PASSED BY THE R1 IN CASE NO.A.R.B/B.C.
E/K.G.F/08/2021-22 (ANNEXURE-A) BY ALLOWING THE WRIT
PETITION.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The petitioner has sought for setting aside of the
order dated 10.01.2024 passed by respondent No.1 at
Annexure-A. The order at Annexure-A is an order whereby
the authority has rejected the request of the petitioner,
who had sought for enhanced compensation on the ground
that such application was filed beyond the period of 3
years from the date of the award notice of 12.07.2017.



2. It is the case of the petitioner that the petitioner is the absolute owner of land bearing Survey No.243, measuring 3 acres and 7 guntas situated in Vengasandra Village, Kyasamballi Hobli, KGF Taluk, Kolar District. It is submitted that respondent No.2 had acquired portion of the land for the purpose of the Bangalore-Chennai expressway and in the process of such acquisition, an award came to be passed on 31.01.2017, while notice came to be issued to the petitioner regarding the award on 12.07.2017.

3. Learned counsel for the petitioner submits that an appeal was filed seeking enhancement of compensation under Section 3(g) (5) of the National Highways Act. The petitioner as against the order of award of compensation had filed an appeal in the form of an application. Same came to be rejected on the ground that same was filed beyond 3 years from the date of notice of award to the petitioner.



4. Perusal of the order at Annexure-A would indicate that the application filed seeking enhancement was rejected as being time barred, while referring to time prescribed under Article 137 of the Limitation Act, which it is stated to be applicable. It is noticed from the said order that the period of 3 years is calculated from 12.07.2017 and would end on 12.07.2020 and the present application filed on 08.04.2021 was beyond the time prescribed.

5. The petitioner has relied on order of the Coordinate Bench in W.P.No.3629/2024 and submits that while calculating the period of limitation, the orders in *suo-moto* case W.P.No.3/2020 by the Apex Court requires to be taken out of, wherein there was exclusion of period between 15.03.2020 till 28.02.2022 while calculating the limitation in light of the directions of the Apex Court during the COVID-19 pandemic.

6. Learned counsel for the respondent would not controvert the order passed in W.P.No.3629/2024.



7. Learned counsel for the petitioner submits that the writ would be maintainable in light of the settled position as made out in W.P.No.3629/2024.

8. Observations made in W.P.No.3629/2024 at paragraph Nos.3 and 4 reads as follows:

3. The Supreme Court in the suo moto case in WP No.3 of 2020, in its order dated 10.01.2022 has stated as follows:

"It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the Court or Tribunal can condone delay) and termination of proceedings."

4. In view of the above, it is clear that the period between 15.03.2020 till 28.02.2022 stands excluded for the purposes of periods prescribed under the provisions of the Arbitration and Conciliation Act, 1996. Since the application in the instant case was filed during the aforementioned



period i.e., on 08.04.2021, the impugned order holding that the application seeking for reference was time-barred cannot be sustained."

9. In light of the same and taking note of the period between 15.03.2020 till 28.02.2022 having been excluded, even if the 3 years period was taken note of from 12.07.2017, the time available to the petitioner would be 3 years from 12.07.2017 with an additional period between 15.03.2020 and 28.02.2022. If that were to be so, application filed on 08.04.2021 would fall within the period of limitation prescribed as extended by virtue of orders passed in W.P.No.3/2020.

10. Accordingly, taking note of the observations in W.P.No.3629/2024, the order at Annexure-A is set aside and matter is remitted for fresh consideration on its merits. Needless to state, the application seeking enhancement is to be construed as one being filed within time in light of the observations made above. Accordingly,



petition is remitted for consideration on merits by
respondent No.1.

According, petition is ***disposed of***.

SD/-
(S SUNIL DUTT YADAV)
JUDGE

MCR