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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 66/2012

UNION OF INDIA

..... Appellant

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha and Mr. Kushal Raj Tater,
Advocates

versus

SUNDER SINGH DECD THR LRS & ANR

..... Respondent

Through:

+ LA.APP. 68/2012

UNION OF INDIA

..... Appellant

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha and Mr. Kushal Raj Tater,
Advocates

versus

RAM KISHAN DECD THR LRS & ANR

..... Respondent

Through:

+ LA.APP. 67/2012

UNION OF INDIA

..... Appellant

Through: Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jha and Mr. Kushal Raj Tater,
Advocates



versus

ROOP RAM DECD THR LRS & ANR

..... Respondent

Through: Ms. Richa Singh, Advocate

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI**

**ORDER
02.11.2015**

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**C.M. No. 4622/2012 in LA.APP. 66/2012; C.M. No.4630/2012 in
LA.APP. 68/2012 and C.M. No. 4625/2012 in LA.APP. 67/2012**

The aforesaid applications have been filed in the respective appeals to seek condonation of delay in filing the concerned appeals. The delay in filing the appeal is to the tune of 2923 days in LA App no.66/2012, 2964 days in LA App no.68/2012 and 2974 days in LA App no.67/2012. The explanation furnished by the appellants being the same, all these applications are being dealt with a common order. Though the respondents in LA App no.67/2012 have appeared to contest the application, there is no appearance on behalf of the respondents in the other two appeals.

I have, accordingly, heard learned counsels. The submission of Mr. Pathak, learned counsel for the appellants is that the learned ADJ pronounced the impugned judgment on 17.11.2003 in LA App no.66/2012, on 18.10.2003 in LA App no.67/2012 and on 07.10.2003 in LA App no.68/2012. The approval for filing the appeals was received on 22.12.2003 from the Deputy Legal Advisor (L&B Department). It was received on 13.01.2004 and 20.11.2003 in LA App Nos.66/2012 and 68/2012.



The appellant states that there are large number of cases pertaining to the same award of village Bawana, i.e. Award No.14/02-03, in which the appellant had been advised to file appeals against the judgment of the learned ADJ. Though the appeals were filed in large number of other cases by the Union of India, somehow either due to inadvertence and/or oversight or on account of collusion between the officials concerned and the respondents, the appeals in the present cases were not filed. The said appeals were disposed of vide judgment in ***Chajju Ram (D) through LRs vs. Union of India & Ors.***, RFA No.522/2002 decided on 20.11.2003 and other connected cases. This court set aside the judgment of the reference court and remanded the reference back to the reference court.

Upon remand, the parties led further evidence in LAC No.312/2003 (earlier LAC No.111/2000) and vide judgment dated 31.03.2006, the reference court declined enhancement and maintained the award in all respects. The said judgments of the learned ADJ were once again challenged before this court in a batch of LA Appeals – lead case being ***Mahender Singh v. Union of India & Anr.***, being RFA No.866/2005 decided on 11.05.2006. In the said appeal and connected appeals, the categorisation resorted to by the learned ADJ was done away and compensation was granted @ Rs.1,99,904.68 per bigha with other statutory benefits.

I may point out that earlier the learned ADJ vide the impugned judgments had fixed the compensation in respect of Category-A land at Rs.2,41,452/- and in respect of Category-B land at Rs.2,01,452.

The appellant states that only thereafter, when the respondents preferred execution proceedings, it came to light that in the present cases appeals have not been preferred against the determination made by the

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learned ADJ in the first round and somehow these appeals were left out from being filed.

Learned counsel submits that there was no reason for the appellant not to prefer appeals in the present cases – like in the other cases and it was a sheer case of administrative lapse on the part of some of the officials, for which the appellant/Union of India should not be made to suffer. It is further pointed out that in terms of the order passed by this court, at the time of filing of the present appeals, the appellants were exempted from depositing the difference amount i.e. the difference between the rate determined by this court in the second round (in *Mahender Singh*) and the rate determined in the first round by the learned ADJ.

As aforesaid, there is no contest to the application preferred in LA App Nos.66/2012 and 68/2012. The only contest is on behalf of the respondent appearing in LA App No.67/2012.

Learned counsel for the respondent submits that there is no detailed explanation furnished by the appellant to seek condonation of delay. She further submits that, in any event, the respondents should be compensated with costs even if the delay is to be condoned.

Having heard learned counsels, I am inclined to allow the applications seeking condonation of delay in filing the present appeals. No doubt, the amount of delay appears to be substantial. However, it is clear that the intention of the appellant to assail the judgment rendered by the learned ADJ in the first round was amply clear. This is evident from their conduct of preferring appeals in several other cases from similar determination made by the learned ADJ in respect of the same award. There was no reason to allow the respondents to continue to enjoy the benefit of the high determination

made by the learned ADJ. It could only be a case either of negligence/inadvertence or collusion, and nothing else.

The respondents cannot be stated to have suffered any serious prejudice by the delay for the reason that they had not realised the entire amount as determined by the ADJ in the first round. It is not that they are being asked to refund any amount at this late stage. In fact, the respondents also kept sitting on the fence and preferred the execution only after the second round had been concluded before this court in *Mahender Singh* (supra).

In view of the aforesaid circumstances, the applications are allowed and the delay in filing the appeals are condoned. Costs of Rs.10,000/- is imposed in LA App No.67/2012 to be paid within two weeks.

LA APP. Nos.66/2012, 68/2012 & 67/2012

It is not in dispute that the present appeals are covered by the judgment of the Division Bench of this Court in *Mahender Singh* (supra). Accordingly, the appeals stand disposed of in terms of the said decision.



VIPIN SANGHI, J

NOVEMBER 02, 2015

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