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

% Judgment delivered on: 02.02.2023

+ CM(M) 1368/2016 & CM APPL. 47681/2016

PREM PRAKASH & ORS. Petitioners

versus

UNION OF INDIA & ANR. Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Anuroop P.S. and Mr. Humayun Khan,
Advocates.

For the Respondents : Mr. Sanjay Kumar Pathak, Mr. Sunil Kumar
Jha, Mr. M.S. Akhtar and Ms. Rini V.
Tigga, Advocates for R-1/ UOI.
Mrs. Avnish Ahlawat, SC for DTL with Mr.
N.K. Singh, Ms. Palak Rohmetra, Ms.
Laavanya Kaushik and Ms. Aliza Alam,
Advocates for R-2/DTL.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. Ms. Aliza Alam, learned counsel appears for respondent No.2 Delhi Transco Limited ('DTL'), and submits that she does not have the copy of the petition.

2. After having perused the impugned order, this Court is of the opinion that the role of DTL is not relevant to the disputes nor to the impugned order, as challenged by the petitioner.

3. With the consent of parties, the present petition has been taken up for consideration.
4. Mr. Anuroop P.S., learned counsel appears for the petitioner and submits that the impugned order appears to be pre-empting the grant of any interest purely on the basis of an untested assumption that the delay of the reference for a period of 12 years, appears to be a collusion between the petitioner on one hand and the staff of Land Acquisition Collector ('LAC') (West) on the other.
5. Mr. Anuroop P.S. also submits that the conclusion of not granting any interest for the delay of 12 years period, assuming it to be attributable to the petitioner as well as to the staff of LAC (West), is erroneous for the reason that without there being any evidence at all nor there being any show-cause notice or other proceedings issued by either the Reference Court or any other authority, the said assumption would not have been arrived at and the conclusion is absolutely perverse.
6. Mr. Pathak, learned counsel appearing for respondent No.1/ UOI submits that the learned Reference Court could not have come to the conclusion that the staff of the LAC (West) was involved in delaying the process of sending a reference to the learned Reference Court without there being any evidence or any show-cause notice thereto.
7. This Court has considered the submission made across the bench as well as perused the impugned order dated 05.08.2016 passed by the learned Reference Court and is of the considered opinion that the impugned order is absolutely bereft of any reasoning, and is mechanical, laconic and without any legal or tangible basis and ought to be quashed on that ground alone.

8. This Court has also considered the manner in which the learned Reference Court has pre-empted the grant of interest of 15% overlooking the fact that the interest is a statutory interest under Section 28 of the Land Acquisition Act, 1894 and by virtue of no material being on record, coming to such conclusion is absolutely perverse.

9. In that view of the matter, the impugned order is quashed and set aside.

10. The petition is allowed in the above terms.

11. The Reference Court shall decide the reference expeditiously in accordance with law, without being influenced by any observation made in the impugned order dated 05.08.2016.

12. The petition is disposed of with no order as to costs.

TUSHAR RAO GEDELA, J .

FEBRUARY 2, 2023/nd