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

+ LPA 215/2024 & CM APPL. 15306/2024, CM APPL. 15307/2024
CM APPL. 15308/2024

GOVT OF NCT OF DELHI

..... Appellant

Through: Ms. Rachna Srivastava, Sr. Advocate
with Mr. Sanjay Kumar Pathak, Mr.
Sunil Kumar Jha, Mrs. K.
Kaomudikiran, Mr. M.S. Akhtar,
Adv.

versus

RAJINDER KUMAR AGGARWAL & ORS.

..... Respondent

Through: Mr. Anupam Srivastava, ASC,
GNCTD with Mr. Deepak Jain,
Advocate.
Ms. Manika Tripathy, SC, DDA.
Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Kushagra Kumar, Adv.
Ms. Riya, Adv. for R-4.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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13.03.2024

1. Present appeal has been filed challenging the Judgment dated 21st January, 2020, passed by the learned Single Judge in W.P. (C) 14025/2018, the Judgment dated 19th May, 2022 in Review Petition 107/2021 and the Judgment dated 18th November, 2022 in Review Petition 307/2022.



2. By way of judgment dated 21st January, 2020, respondent no. 22/GNCTD was directed to notify the appointment of an Arbitrator under Section 7(1)(b) of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (LAA, 1948) for determining compensation payable to respondent Nos. 1 to 18. Pertinently, this was in continuation of an earlier order dated 19th April, 1996 passed in W.P.(C) No. 2685 of 1993 directing appointment of an Arbitrator, which was acted upon by the Appellant in April, 1999 without any demur. Further, the Respondent also acted upon the judgment dated 21st January, 2020 and appointed an Arbitrator for deciding the compensation amount.

3. Vide judgment dated 19th May, 2022, the learned Single Judge on an application filed by Respondent No. 6 held that the compensation shall be determined by the Arbitrator in terms of Sections 25 to 30 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR, 2013) along with the First, Second and Third Schedule of the Act.

4. Vide judgment dated 18th November, 2022, the review petition filed by the appellant against the judgment dated 21st January, 2020, and judgment dated 19th May, 2022, was dismissed.

5. Learned senior counsel for the Appellant states that the letter dated 26th August, 1996 reveals that compensation of Rs 4,34,943.30/- was assessed by the competent authority and sanctioned by the Ministry of Rehabilitation. She states that the writ petitioners have failed to show that there was any disagreement with respect to the compensation determined by the competent authority. She, therefore, states that there was no occasion to appoint an Arbitrator in terms of Section 7(1)(b) of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948.



6. Upon a perusal of the paper book, this Court finds that the present appeal is barred by gross delay and laches, inasmuch as, the present appeal has been filed after a delay of 1453 days against the initial order dated 21st January, 2020. The said order as recorded hereinabove already stands acted upon by the Appellant on 15th July, 2021 as the Arbitrator stands appointed. The Appellant herein is also seeking to in effect challenge the initial order dated 19th April, 1996 passed in W.P.(C) 2685 of 1993 directing appointment of Arbitrator, which order was also implemented in April, 1999.

7. This Court is of the view that there has been a very long delay in filing the present appeal. Further, the rights of the appellant have been protected, inasmuch as, the appellants have been given liberty to urge all its pleas before the Arbitrator in accordance with law. The Appellant without holding any inquiry with respect to its officers who filed the affidavit in W.P.(C) 2685 of 1993, which led to passing of the order dated 19th April, 1996 for appointment of Arbitrator and explaining its admissions therein and thereafter the impugned order dated 21st January, 2020; cannot challenge orders in this cavalier manner.

8. Consequently, the present appeal is dismissed both on the grounds of merit as well as delay.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 13, 2024

N.Khanna