



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Judgment reserved on : 29 November 2024**
Judgment pronounced on: 18 December 2024

+ W.P.(C) 9728/2019

SHRI ASHOK KUMAR SHARMA & ANR.Petitioners
Through: Mr. Siddharth Aggarwal and
Mr. Gaurav Sindhwani, Advs.

versus

UNION OF INDIARespondent
Through: Mr. Siddharth Panda, Mr.
Ritank Kumar and Mr. Anil
Pandey, Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

DHARMESH SHARMA, J.

1. The petitioners herein invoke the extra ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, 1950, seeking the following reliefs against the respondent herein i.e., the Land Acquisition Collector, South District, Delhi:

“a. Issue a writ, order or direction in the nature of a writ of certiorari/mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India setting aside the order dated 18.10.2018 refusing to make a reference to the hon'ble court under Section 18 land acquisition act, 1894 and directing the respondent to refer the application of the petitioners submitted before the Ld LAC on 25.4.2018 to the Ld Court in terms of the provisions of Section 18 Land Acquisition Act.

b. Pass any such other and further and necessary orders as this hon'ble court may deem fit and proper in the facts and circumstances of this case with costs throughout.”



FACTUAL MATRIX:

2. Shorn of unnecessary details, a piece of land bearing *Khasra* Nos. 75 *min* admeasuring 449.70 square metres and 76 *min* admeasuring 192.82 square metres, situated in village Yusuf Sarai, Delhi was notified under section 4 of the Land Acquisition Act, 1894 [**“1894 Act”**] on 21.08.2009 followed by a declaration under Section 6 & 17(1) of the 1894 Act on 11.11.2009, for the purpose of the “Central Secretariat- Qutub Minar Corridor of Delhi MRTS Project Phase-II”. Pursuant thereto, notices under Sections 9 & 10 as provided under the 1894 Act, were issued, inviting claims from all the persons interested in the said land and upon consideration thereof, Award No. 0912011-12 dated 09.11.2011 came to be passed by the Land Acquisition Collector [**“LAC”**], fixing the compensation payable to the landowners. In the meanwhile, the possession of the said land was taken by the respondent herein and handed over to the beneficiary department on 21.12.2009 after carrying out demolition of the structures over the land in question in the presence of the revenue and police officials.

3. It is the case of the petitioners herein, being the owners of a portion in the said acquired land *viz.* a shop on the ground floor and a basement bearing *Khasra* no 76, MCD Old no. 1/17525, New No. D-60/1, Yusuf Sarai, Delhi, that it was not until 24.03.2018 that they came to know of the passing of the Award dated 09.11.2011 by the respondent/LAC and upon such knowledge, the petitioners



immediately applied for a copy of the said Award which was supplied to the petitioner No.1 on 04.04.2018.

4. Upon perusal of the Award dated 09.11.2011, being aggrieved of the alleged undervaluation of the market value of the acquired land done by the LAC while fixing the compensation, the petitioners on 25.04.2018 filed an application under Section 18¹ of the 1894 Act, before the LAC, seeking a reference to the Court against the said Award. However, the said application stood rejected by the LAC *vide* impugned letter dated 18.10.2018, the relevant portion of which letter reads as under:

“With reference to your request dated 25.04.2018 for making a reference to Hon'ble court u/s 18 of Land Acquisition Act, 1894; **it is to inform that the said award was made on 09.11.2011 and the six month limitation period for making reference to the Hon'ble court u/s 18 of Land Acquisition Act, 1894 had already expired by 08.05.2012.** Since, your request was received after the expiry of the limitation period provided u/s 18 of Land Acquisition Act, 1894; the same could not be considered / referred to the Hon'ble Court.”

5. By way of the present writ petition, the petitioners herein impugn the letter dated 18.10.2018 before us on the ground that it has

18. Reference to Court.— (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the collector under section 12, sub-section (2) or within six months from the date of the Collector's award, whichever period shall first expire.



been passed by the LAC in violation of the principles of natural justice inasmuch as the petitioners herein were not given an opportunity to be heard, so as to satisfy the LAC regarding the maintainability of the application dated 25.04.2018 under Section 18 of the 1894 Act, on the ground that the relevant date for reckoning the period of limitation for filing such an application should be the date on which the applicant got knowledge of the passing of the Award and not the date of passing of the Award. Furthermore, it has been contended that the petitioners were never served with a notice under Section 12²(2) of the 1894 Act, as an intimation of making of the Award.

REPLY/COUNTER AFFIDAVIT

6. The respondent/LAC *vide* counter affidavit dated 05.11.2022 has denied the allegations of the petitioners herein, besides contending that the petitioners herein have misled and concealed from this Court that they were aware of every stage of the acquisition proceedings with respect to the land in question. It is stated that the notice under section 9 and 10 of the 1894 Act (Annexure R-1) was issued to the father of petitioners on 03.12.2009, however no claim was received from the petitioners as required in the notice.

²**12. Award of Collector when to be final.**— (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.



7. It has also been brought to the fore that after the passing of the Award dated 09.11.2011, the petitioners issued a letter dated 22.12.2011 (Annexure R-2) to the respondent/LAC, thereby requesting release of compensation in lieu of the acquisition, besides acknowledging the receipt of the notice dated 03.12.2009. It is further asserted that the handing over of possession of the land in question as well as the subsequent demolition of the structures constructed over it, were also within the knowledge of the petitioner.

8. As regards the reason for rejection of the reference application, it is contended that the petitioners filed the said application without any explanation as regards the delay of more than seven years in its filing, which period is beyond the period of six months prescribed under Section 18(2) of the 1894 Act, as applicable to the petitioners' case. Reliance in this regard has been placed on the case of **Mohinder Kumar v. Union of India**³ wherein the LAC's action of rejecting a reference application filed 10 years after the passing of the Award and without any clear explanation for the delay, was upheld by this Court on the ground that the said application was filed at a highly belated stage.

ANALYSIS AND DECISION:

9. We have given our thoughtful consideration to the submissions advanced by the learned counsels for the parties at the Bar. We have

³Decision dated 13.04.2022 in WP(C) No, 12019/2018



gone through the digitized record of the present case including the case law cited at the Bar.

10. At the outset, the plea of the petitioners that they came to know about the passing of the Award dated 09.11.2011 only on or about 24.03.2018 is patently incorrect and false. The respondent in its reply-cum-counter affidavit has placed on the record an application which was received in the office of ADM⁴, South *vide* diary No. 27235 dated 22.12.2011 sent by petitioner No. 1 *viz.*, Mr. Ashok Kumar Sharma s/o Late Suraj Prakash Sharma, which reads as under:

“To

The A.D.M. (South)/L.A.D.

M.B. Road Saket, New Delhi-68

Sub: Application for compensation of vide property No/Kh. No.- 75(2-12) 76(2-6), situated in the revenue state Yusuf Sarai Market, New Delhi-16.

Sir,

Most respectfully submitted as under:-

1. That the applicant is an share holder of the said property and the land acquired by L.A.D. (S) since 2009.

2. That I submit the all need documents of the said property and I request you kindly may be release compensation payment of the said property, with ref. attached your notice dt. 03/12/2009.

Thanking you,

APPLICANT

Sd/

ASHOK SHARMA

S/o Late Suraj Prakash Sharma

R/o D-60/1, Yusuf Sarai Market,
New Delhi-16”

Place: New Delhi

Dated: 22/12/2011

⁴Additional District Magistrate



11. In response to the aforementioned facts, the petitioners submit in their rejoinder that their father had passed away on 21.08.2008 and was not alive on 03.12.2009, when the respondent invited claims from all “interested persons”. They acknowledge that the letter dated 22.12.2011 was indeed submitted, albeit belatedly, in response to the notice dated 03.12.2009. However, the petitioners fail to explain the inordinate delay in filing the present writ petition, which was not submitted until 05.09.2019.

12. Confronted with the aforementioned situation, the learned counsel for the petitioners sought to rely on the decision passed by the Supreme Court in the case of **Raja Harish Chandra v. Deputy Land Acquisition Officer**⁵ and it was vehemently urged that no notice under Section 12(2) of the 1894 Act was issued to their father or anyone in the family/person interested and relied upon the following observations:

“7. In this connection it is material to recall the fact that under s. 12(2) it is obligatory on the Collector to give immediate notice of the award to the persons interested a., are not present personally or by their representatives when the award is made. This requirement itself postulates the necessity of the communication of the award to the party concerned. The Legislature recognised that the making of the award under S.11 followed by its filing under S. 12(1) would not meet the requirements of justice before bringing the award into force. It thought that the communication of the award to the party concerned was also necessary, and so by the use of the mandatory words an obligation is placed on the Collector to communicate the award immediately to the person concerned. It is significant that the section requires the Collector to give notice of the award

⁵AIR 1961 SC 1500



immediately after making it. This provision lends support to the view which we have taken about the construction of the expression "from the date of the Collector's award" in the proviso to S. 18. It is because communication of the order is regarded by the Legislature as necessary that S. 12(2) has imposed an obligation on the Collector and if the relevant clause in the proviso is read in the light of this statutory requirement it tends to show that the literal and mechanical construction of the said clause would be wholly inappropriate. It would indeed be a very curious result that the failure of the Collector to discharge his obligation under s. 12(2) should directly tend to make ineffective the right of the party to make an application under s. 18, and this result could not possibly have been intended by the legislature."

13. The aforesaid dictum was, however, interpreted on a later occasion by the Supreme Court in the case of **Kaliyappan v. State of Kerala**⁶, wherein it was observed that:

"4. It is no doubt true that in *Raja Harish Chandra case* [AIR 1961 SC 1500 : (1962) 1 SCR 676] while construing Section 18 of the Act this Court held by giving an extended meaning that the date of the award for purposes of calculating the period of limitation should be the date on which the notice of the award is served on the owner of the land. The said interpretation was given by this Court on the principle that if a person is given a right to resort to a remedy to get rid of an adverse order within a prescribed time limitation should not be computed from a date earlier than that on which the party aggrieved actually knew of the order or had an opportunity of knowing the order and, therefore, must be presumed to have the knowledge of the order. Under Section 18 of the Act the person on whom the notice of the award is served has to make an application before the Land Acquisition Officer within six weeks from the date of the award if such person was present or represented before the Land Acquisition Officer at the time when he made his award and in other cases within six weeks of the receipt of the notice of the Collector under Section 12(2) or within six months from the date of the award whichever expires first. In a case where a person interested in the land is not present at the time

⁶(1989) 1 SCC 113



when the award is made by the Collector he is entitled to make an application under Section 18 of the Act seeking a reference of the case to the civil court for the determination of the proper compensation within six weeks of the receipt of the notice from the Collector under Section 12(2) of the Act or within six months from the date of the Collector's award whichever expires first. Since the process of service of notice issued under Section 12(2) would occupy some time this Court was of the view that it would lead to injustice if the period of limitation prescribed by Section 18 of the Act was computed from the date on which the award was actually made and not from the date on which the notice under Section 12(2) of the Act was served on the person interested in the land as it would result in the reduction of the period of six weeks by the time required for serving the notice on the person interested in the land. There is no doubt a difference between the meaning given by this Court in *Raja Harish Chandra case* [AIR 1961 SC 1500 : (1962) 1 SCR 676] to the words “date of the award” in Section 18 of the Act and the interpretation of the High Court of the words “the Collector shall make an award” or “the award shall be made” in Section 11-A of the Act but such a distinction had to be maintained because the object of and the reason for prescribing the period of limitation under Section 11-A of the Act are different from the object of and the reason for prescribing the period of limitation under Section 18 of the Act and the consequences that would flow from the violation of the rule of limitation in the two cases are also different. In the former case the period of limitation is prescribed for preventing official delay in making the award and the consequent adverse effect on the persons or persons interested in the land but in the latter case the period of limitation is prescribed for providing a remedy to the persons whose lands are acquired to seek a reference to the civil court for the determination of proper and just compensation. Secondly, while in the former case violation of the rule of limitation would result in the acquisition proceeding becoming ineffective, in the latter case such a violation will not have any effect on the validity of acquisition proceeding. Thirdly, while in the former case the period of limitation prescribed represents the outer limit within which an award can be made in the latter case we are concerned with the point of time at which the time to make an application under Section 18 of the Act will begin to run against the person interested in the land. The provisions of Section 11-A have to be construed bearing in mind these points of difference. It is well known that the



meaning to be assigned to the words in a statute depends upon the context in which they are found and the purpose behind them.”

14. The aforesaid dictum then came to be interpreted by the Full Bench of this Court in the case of **Roshanara Begum v. Union of India**⁷, wherein it was held that insofar as the making of the Award is considered, it has been clearly laid down by the Supreme Court that it is the date of the signing of the Award which amounts to making of the Award and communication of the Award is not a *sine qua non* for making of the Award. The legal position then came to be explained in the case of **Bhagwan Das v. State of Uttar Pradesh**⁸ wherein the following issues arose for consideration before the Apex Court:

“(a) Whether an appeal would lie under Section 54 of the Act against the order of the Collector refusing to make a reference?

(b) Whether the Collector can condone the delay in filing an application seeking reference, if sufficient cause is shown?

(c) Whether the period of six months under clause (b) of the proviso to Section 18 of the Act should be reckoned from the date of knowledge of the award of the Collector or from the date of award itself?

(d) Whether the appellants were entitled to relief?”

15. The issues (b) and (c) which are relevant for our decision, were answered as under:

“**Re: Question (b)**

14. The proviso to Section 18 requires that an application by a person interested, to the Collector, seeking reference of his claim for higher compensation for determination by the court, shall be made within six weeks from the date of the Collector's award, if such person was present or represented before the Collector, at the

⁷AIR 1996 Delhi 206

⁸(2010) 3 SCC 545



time when the award was made. If not, the application for reference shall have to be made within six weeks of the receipt of the notice of the Collector under Section 12(2) or within six months from the date of the Collector's award, whichever period shall first expire.

15. In *Officer on Special Duty (Land Acquisition) v. Shah Manilal Chandulal*¹ this Court held that in view of the special limitation provided under the proviso to Section 18 of the Act, Section 29(2) of the Limitation Act cannot be applied to the proviso to Section 18 of the Act; and therefore, the benefit of Sections 4 to 24 of the Limitation Act, 1963 will not be available in regard to applications under Section 18(1) of the Act. It was also held that as the Collector is not a court when he discharges his functions as a statutory authority under Section 18(1) of the Act, Section 5 of the Limitation Act, 1963 cannot be invoked for extension of the period of limitation prescribed under the proviso to Section 18(2) of the Act.

16. As the Collector is not a civil court and as the provisions of Section 5 of the Limitation Act, 1963 have not been made applicable to proceedings before the Collector under the Act, and as there is no provision in the Act enabling the Land Acquisition Collector to extend the time for making an application for reference, the Collector cannot entertain any application for extension, nor extend the time for seeking reference, even if there are genuine and bona fide grounds for condoning delay. This view was reiterated in *SAIL v. SUTNI Sangam*. Therefore, the observation of the High Court that an application for condonation of delay could have been made by the person interested, is incorrect.

17. We should however notice that there is an apparent inconsistency in two observations of this Court in *SUTNI Sangam*. In the earlier part of the decision, this Court observed: (SCC p. 17, para 25)

“25. ... The proceeding before the Land Acquisition Collector is of an administrative nature and not of a judicial or quasi-judicial character.”(emphasis supplied)

However, in a latter part of the said decision (at SCC p. 30, para 75 of the Report), this Court observed:

“75. The Land Acquisition Collector is a statutory authority. The proceeding before the Land Acquisition Collector is a quasi-judicial proceeding.”

(emphasis supplied)



As the said inconsistency has no bearing upon the issue on hand, we do not propose to consider it in this case, but leave the clarification to be done in an appropriate decision.

Re: Question (c)

18. Clause (b) of the proviso to Section 18 requires a person interested who has not accepted the award, to make an application to the Collector requiring him to refer the matter for determination of the court, within six weeks of the receipt of the notice from the Collector under Section 12(2) or within six months from the date of the Collector's award whichever period first expires, if he or his representative was not present before the Collector at the time of making of the award.

19. The reason for providing six months from the date of the award for making an application seeking reference, where the applicant did not receive a notice under Section 12(2) of the Act, while providing only six weeks from the date of receipt of notice under Section 12(2) of the Act for making an application for reference where the applicant has received a notice under Section 12(2) of the Act is obvious. When a notice under Section 12(2) of the Act is received, the landowner or person interested is made aware of all relevant particulars of the award which enables him to decide whether he should seek reference or not. On the other hand, if he only comes to know that an award has been made, he would require further time to make enquiries or secure copies so that he can ascertain the relevant particulars of the award.

20. The term “date of the Collector's award” occurring in clause (b) of the proviso, has been interpreted by this Court in several cases. We may refer to a few of them.

21. In *Harish Chandra Raj Singh v. Land Acquisition Officer* this Court held: (AIR pp. 1503-04, paras 5-6)

“5. ... Therefore, if the award made by the Collector is in law no more than an offer made on behalf of the Government to the owner of the property then the making of the award as properly understood must involve the communication of the offer to the party concerned. That is the normal requirement under the contract law and its applicability to cases of award made under the Act cannot be reasonably excluded. *Thus considered the date of the award cannot be determined solely by reference to the time when the award is signed by the Collector or delivered by him in his office; it must involve the*



consideration of the question as to when it was known to the party concerned either actually or constructively. If that be the true position then the literal and mechanical construction of the words ‘the date of the award’ occurring in the relevant section would not be appropriate.

6. There is yet another point which leads to the same conclusion. If the award is treated as an administrative decision taken by the Collector in the matter of the valuation of the property sought to be acquired it is clear that the said decision ultimately affects the rights of the owner of the property and in that sense, like all decisions which affect persons, it is essentially fair and just that the said decision should be communicated to the said party. The knowledge of the party affected by such a decision, either actual or constructive, is an essential element which must be satisfied before the decision can be brought into force. *Thus considered the making of the award cannot consist merely in the physical act of writing the award or signing it or even filing it in the Office of the Collector; it must involve the communication of the said award to the party concerned either actually or constructively.* If the award is pronounced in the presence of the party whose rights are affected by it it can be said to be made when pronounced. If the date for the pronouncement of the award is communicated to the party and it is accordingly pronounced on the date previously announced the award is said to be communicated to the said party even if the said party is not actually present on the date of its pronouncement. Similarly if without notice of the date of its pronouncement an award is pronounced and a party is not present the award can be said to be made when it is communicated to the party later. *The knowledge of the party affected by the award, either actual or constructive, being an essential requirement of fair play and natural justice the expression ‘the date of the award’ used in the proviso must mean the date when the award is either communicated to the party or is known by him either actually or constructively.* In our opinion, therefore, it would be unreasonable to construe the words ‘from the date of the Collector’s award’ used in the proviso to Section 18 in a literal or mechanical way.”

(emphasis supplied)



22. In *State of Punjab v. Qaisar Jehan Begum* this Court reiterated the principles stated in *Harish Chandra Raj Singh* and further held as follows: (*Qaisar Jehan Begum case*, AIR p. 1607, para 5)

“5. ... It seems clear to us that the ratio of the decision in *Harish Chandra case* is that the party affected by the award must know it, actually or constructively, and the period of six months will run from the date of that knowledge. Now, *knowledge of the award does not mean a mere knowledge of the fact that an award has been made. The knowledge must relate to the essential contents of the award.* These contents may be known either actually or constructively. If the award is communicated to a party under Section 12(2) of the Act, the party must be obviously fixed with knowledge of the contents of the award whether he reads it or not. Similarly when a party is present in court either personally or through his representative when the award is made by the Collector, it must be presumed that he knows the contents of the award. Having regard to the scheme of the Act we think that knowledge of the award must mean knowledge of the essential contents of the award.”(emphasis supplied)

23. In *Parsottambhai Maganbhai Patel v. State of Gujarat* and in *SAIL v. SUTNI Sangam* the aforesaid principles were followed and reiterated by this Court.

24. When land is acquired and an award is made under Section 11 of the Act, the Collector becomes entitled to take possession of the acquired land. The award being only an offer on behalf of the Government, there is always a tendency on the part of the Collector to be conservative in making the award, which results in less than the market value being offered.

25. Invariably, the land-loser is required to make an application under Section 18 of the Act to get the market value as compensation. The land-loser does not get a right to seek reference to the civil court unless the award is made. This means that he can make an application seeking reference only when he *knows* that an award has been made.

26. If the words six months from the “date of the Collector's award” should be literally interpreted as referring to the date of the award and not the date of knowledge of the award, it will lead to unjust and absurd results. For example, the Collector may choose to make an award but not to issue any notice under Section 12(2) of the Act, either due to negligence or oversight or due to any



ulterior reasons. Or he may send a notice but may not bother to ensure that it is served on the landowner as required under Section 45 of the Act. If the words “date of the Collector's award” are literally interpreted, the effect would be that on the expiry of six months from the date of award, even though the claimant had no notice of the award, he would lose the right to seek a reference. That will lead to arbitrary and unreasonable discrimination between those who are notified of the award and those who are not notified of the award.

27. Unless the procedure under the Act is fair, reasonable and non-discriminatory, it will run the risk of being branded as being violative of Article 14 as also Article 300-A of the Constitution of India. To avoid such consequences, the words “date of the Collector's award” occurring in proviso (b) to Section 18 requires to be read as referring to the date of knowledge of the essential contents of the award, and not the actual date of the Collector's award.

28. The following position therefore emerges from the interpretation of the proviso to Section 18 of the Act:

(i) If the award is made in the presence of the person interested (or his authorised representative), he has to make the application within six weeks from the date of the Collector's award itself.

(ii) If the award is not made in the presence of the person interested (or his authorised representative), he has to make the application seeking reference within six weeks of the receipt of the notice from the Collector under Section 12(2).

(iii) If the person interested (or his representative) was not present when the award is made, and if he does not receive the notice under Section 12(2) from the Collector, he has to make the application within six months of the date on which he actually or constructively came to know about the contents of the award.

(iv) If a person interested receives a notice under Section 12(2) of the Act, after the expiry of six weeks from the date of receipt of such notice, he cannot claim the benefit of the provision for six months for making the application on the ground that the date of receipt of notice under Section 12(2) of the Act was the date of knowledge of the contents of the award.



29. A person who fails to make an application for reference within the time prescribed is not without remedy. It is open to him to make an application under Section 28-A of the Act, on the basis of an award of the court in respect of the other lands covered by the same acquisition notification, if there is an increase. Be that as it may.

30. When a person interested makes an application for reference seeking the benefit of six months' period from the date of knowledge, the initial onus is on him to prove that he (or his representative) was not present when the award was made, that he did not receive any notice under Section 12(2) of the Act, and that he did not have the knowledge of the contents of the award during a period of six months prior to the filing the application for reference. This onus is discharged by asserting these facts on oath. He is not expected to prove the negative. Once the initial onus is discharged by the claimant/person interested, it is for the Land Acquisition Collector to establish that the person interested was present either in person or through his representative when the award was made, or that he had received a notice under Section 12(2) of the Act, or that he had knowledge of the contents of the award.

31. Actual or constructive knowledge of the contents of the award can be established by the Collector by proving that the person interested had received or drawn the compensation amount for the acquired land, or had attested the mahazar/panchnama/proceedings delivering possession of the acquired land in pursuance of the acquisition, or had filed a case challenging the award or had acknowledged the making of the award in any document or in statement on oath or evidence. The person interested, not being in possession of the acquired land and the name of the State or its transferee being entered in the revenue municipal records coupled with delay, can also lead to an inference of constructive knowledge. In the absence of any such evidence by the Collector, the claim of the person interested that he did not have knowledge earlier will be accepted, unless there are compelling circumstances not to do so.”

{paragraphs (28) & (29) emphasized}

16. In light of the aforementioned legal proposition, reverting to the instant case, it is clearly established on record by the respondent that



the petitioners, being ‘persons interested’ as defined in Section 3(b) of the 1894 Act, had either actual or constructive knowledge of the passing of the Award sometime prior to 22.12.2011, contrary to their claim of 24.03.2018. Evidently, the application for making a reference to the Court was not filed within six months of the signing of the Award, as stipulated in Section 18 of the 1894 Act.

17. It is also apparent that there was an inordinate delay in seeking relief under Section 18 of the 1894 Act. Consequently, the plea that no notice was given under Section 12(2) of the 1894 Act lacks merit. In essence, the LAC, acting in his administrative capacity, had no authority to extend the period of limitation, as the Limitation Act does not apply to proceedings before him. Therefore, the impugned order dated 18.10.2018, refusing to make a reference to the Court under Section 18 of the 1894 Act, is not tainted with illegality, perversity, or an incorrect approach in law.

18. Resultantly, the present writ petition is hereby dismissed for being bereft of merit.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

DECEMBER 18, 2024

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