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

+ **W.P.(C) 3348/2025 & CM APPL. 15789/2025**

**M/S KCB BUILDERS AND DEVELOPERS PRIVATE LIMITED
THROUGH ITS DIRECTOR SH. KUNAL BANSALPetitioner**

**Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates**

versus

DISTRICT MAGISTRATE DISTRICT WESTRespondent

**Through: Mr. Sanjay Kr. Pathak, SC with Mr.
Sunil Kr. Jha, Mr. M. S. Akhtar, Mr.
Mayank Madhu and Mr. Sami Sameer
Siddique, Advocates.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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26.03.2025

1. Heard learned counsel for the parties and perused the records available before us in this writ petition.
2. By means of this petition filed under Article 226 of the Constitution of India, the petitioner seeks to challenge the decision of the Land Acquisition Collector which is communicated to the petitioner by means of a letter dated 10.12.2024, whereby, the petitioner has been informed that the application made by the petitioner dated 09.10.2024, for enhancement of compensation has been rejected, giving the reason that the same is barred by limitation as prescribed under Section 64 of the Right to Fair Compensation



& Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as '2013 Act').

3. Admittedly, the award in respect of the land acquired in this case was made on 14.03.2024. Section 64 of 2013 Act provides for making a reference to the Authority, namely, the Authority constituted under Section 51 of 2013 Act which is known as Land Acquisition, Rehabilitation and Resettlement Authority. Section 64 further provides that if a person who does not accept the award may require the Collector, by making a written application, that the matter be referred by the Collector to the Authority for determination. The matters which are referable under Section 64 of 2013 Act by the Collector to the Authority are in relation to objection as to the measurement of the land, amount of the compensation, the person to whom such compensation is payable, rights of rehabilitation and resettlement or the apportionment of compensation among the persons interested.

4. Section 64 of 2013 Act is extracted herein below:-

“64. Reference to Authority.—(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 Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(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 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

5. A perusal of the first proviso appended to Section 64(1) of 2013 Act reveals that Collector is mandated to make the reference to the Authority within a period of thirty days from the date of receipt of application. The second proviso of the Section 64(1) of 2013 Act provides that in case the Collector fails to make such reference to the Authority concerned within thirty days, applicant has got a remedy of making an application to the Authority requesting the Authority to direct the Collector to make the reference within a period of thirty days.

6. Sub-section (2) of Section 64 of 2013 Act provides that apart from stating the grounds on which the objection to award is taken, the applicant can make the application to the Collector within six weeks from the date of Collector's award, if the applicant was present or represented before the Collector at the time when the award was made.

7. Sub-section 2 (b) of Section 64 of 2013 Act provides that application can be made within six weeks from the receipt of the notice from the Collector under section 21, or within six months from the date of Collector's



award, whichever period shall first expire.

8. It is also noteworthy that the proviso appended to sub-section (2) of Section 64 permits the Collector to entertain an application for making reference to the Authority after expiry of the period as mentioned in Section 64 of 2013 Act within a period of one year, if the Collector is satisfied that there was sufficient cause for not filing the application within the specified period in terms of the first proviso appended to Section 64(2) of the 2013 Act.

9. In the instant case, the award was made on 14.03.2024, and accordingly, if the maximum limitation prescribed for making an application to the Collector for making reference to the Authority under Section 64 is taken into consideration, the said period expired on 13.09.2024. The petitioner is said to have made the application to the Collector within seventeen days from the date of such expiry i.e. on 30.09.2024, though the letter dated 10.12.2024, informing the petitioner about the decision of the Collector for rejecting the application for making reference, mentions the date of application as 09.10.2024. Clarifying the same, learned counsel for the petitioner states that the application was submitted to the Collector on 30.09.2024, however, on 09.10.2024, the Competent Authority did not consider the application for enhancement of compensation. Later, a reminder was made on 05.12.2024 to the Collector of the earlier application dated 30.09.2024.

10. It has been stated by learned counsel for the petitioner that the delay which was required to be condoned by the Collector for entertaining the application made by the petitioner under Section 64 of 2013 Act was of a period of only seventeen days. He has further submitted that on account of



certain ailment, the application could not be made within the time prescribed under Section 64 of the 2013 Act. She has clarified that it appears that the date of application has wrongly been mentioned in the letter dated 10.12.2024. She further submits that the application was first made on 30.09.2024 and the reminder was sent on 05.12.2024.

11. It appears that the delay was only of seventeen days and the impugned decision does not disclose as to whether any consideration for condonation of delay was made.

12. Mr. Sanjay Kumar Pathak, learned Standing Counsel for the respondent has submitted that in the application made by the petitioner before the Collector, no such cause was shown neither any prayer was made for condoning the delay.

13. Be that as it may, since delay appears to be negligible i.e. seventeen days, we permit the petitioner to move an application seeking condonation of delay before the Collector for entertaining the application under Section 64 of 2013 Act within a fortnight from today. In case any such application is made, the same shall be considered by the Collector, who shall pass appropriate orders within next four weeks. While considering the application seeking condonation of delay, the Collector shall take into consideration all relevant aspects including the aspect that the delay appears to be only of seventeen days. Once the Collector decides the said application seeking condonation of delay and comes to the conclusion that delay needs to be condoned, he shall proceed to make the reference to the Authority in accordance with law under Section 64 of 2013 Act.

14. We further provide that the decision as communicated to the petitioner *vide* letter dated 10.12.2024, shall abide by the fresh order to be



passed by the Collector.

15. The writ petition stands disposed of with the aforesaid observations and submissions.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MARCH 26, 2025/j