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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 05.08.2025***

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LA.APP. 253/2024

RAJINDER SINGH THRU LRS

.....Appellant

Through: Mr. M.M. Singh & Ms. Natasha
Goel, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Sanjay Kr. Pathak, SC with
Mr. Sunil Kr. Jha, Mr. M.S.
Akhtar & Mr. D. Kapil, Advs.
for R1
Mr. Anuj Chaturvedi & Ms.
Shivani Thakur, Advs for
R2/DDA**CORAM:****HON'BLE MS. JUSTICE RENU BHATNAGAR****RENU BHATNAGAR, J. (Oral)**

1. The present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act') against the judgment and award dated 06.07.2020 passed by the learned Additional Sessions Judge (North-West), Rohini Courts, Delhi (hereinafter referred to as 'Reference Court') in LAC No. 94/2016 (Old No. 1994A/2012) titled ***Sh. Rajender Singh v. UOI (Mohammadpur Majri) & Anr.***, whereby the Reference Petition filed by the appellant under Section 18 of the Act seeking enhancement of compensation in respect of land acquired *vide* Award No. 20/2005-06/DC(NW), pertaining to Village Mohammadpur Majri, was dismissed for want of evidence.



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2. The acquisition in question was initiated for the public purpose of the Rohini Residential Scheme. A Notification under Section 4 of the Act was issued on 21.03.2003, which was followed by a declaration under Section 6 dated 19.03.2004. During the pendency of the case before the learned Reference Court, the original petitioner Rajender Singh expired on 25.05.2013 and his LRs were impleaded and brought on record *vide* order dated 06.08.2014. Pursuant thereto, Award No. 20/2005-06/DC(NW) was announced by the Land Acquisition Collector on 28.11.2005, determining compensation at the rate of Rs. 15,70,000/- per acre.

3. The appellant, being recorded as one of the co-*bhumidars* in respect of the acquired land, sought a reference under Section 18 of the Act on 19.01.2007, contending *inter alia* that the compensation awarded was inadequate and that the land was situated in a developed zone, adjacent to established residential colonies and urban infrastructure.

4. Learned counsel for the appellant submits that the judgment under challenge is liable to be set aside on multiple grounds. It is submitted that the learned Reference Court failed to appreciate that the appellant had consistently expressed his intent to rely upon the evidence and outcome in ***Jai Prakash*** (supra), which was treated as the lead matter arising out of the same acquisition process.

5. It is submitted that the proceedings which finally culminated in the dismissal of the reference petition, were undertaken during the peak of the nationwide lockdown arising from the COVID-19 pandemic, thereby depriving the appellant of a fair and effective



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opportunity to be heard. In particular, he draws attention to the order dated 22.06.2020, which records that the counsel could not be contacted telephonically, and argues that proceeding to hear final arguments and deliver judgment in such circumstances was unjustified.

6. Lastly, it is urged that the learned Reference Court erred in disposing of the matter in disregard of the pendency and eventual outcome of the lead case, which has since culminated in an award dated 21.11.2024 enhancing compensation to Rs. 32,75,000/- per acre based on substantial evidence and comparable sale instances.

7. In light of the above factual position, the learned counsel prays that the present appeal be allowed and LAC No. 94/2016 be remanded back to the learned Reference Court for fresh adjudication in light of the award passed in the lead matter and that he is ready to forego his claim for interest during the period from 28.11.2018 to 25.07.2024, if the final adjudication comes in his favor.

8. *Per Contra*, learned counsel appearing on behalf of the respondents submits that the present appeal is devoid of merit and deserves to be dismissed. It is submitted that the appellant was afforded adequate and repeated opportunities over a substantial period of time to lead evidence in support of his claim but failed to avail the same.

9. It is submitted that the learned Reference Court was justified in closing the right to lead evidence on 28.11.2018 after prolonged inaction and that no steps were taken by the appellant thereafter either to seek recall of that order or to pursue the matter with diligence.



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10. It is submitted that the proceedings were conducted in accordance with law and due process and that the appellant cannot now seek to assail the dismissal of the reference on the ground of procedural irregularity or lack of opportunity, having failed to participate despite due notice.

11. It is argued that reliance on the lead case was never formalised before the learned Reference Court and cannot be retroactively invoked to resurrect a claim that was consciously abandoned. It is thus submitted that the present appeal is an afterthought and does not warrant interference.

12. Heard the counsel for the parties and perused the material on record.

13. This Court has perused the judgment dated 21.11.2024 passed in **Jai Prakash Narayan** (supra), pertaining to land situated in the same village, acquired under the same notifications and covered by the same Award. In the said reference, the petitioners led both oral and documentary evidence, including comparable sale deeds, certified revenue records, site plans and testimony of official witnesses.

14. Based on the material placed on record, and after due consideration of location, potentiality and comparable transactions, the learned Reference Court enhanced the compensation from Rs. 15,70,000/- per acre to Rs. 32,75,000/- per acre.

15. The record of the present case reveals that after the reference was received by the learned Reference Court, the matter remained pending for several years. As early as 15.10.2014, the appellant expressed his intention to adopt the evidence and rely on the outcome



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of the lead case titled ***Jai Prakash Narayan v. Union of India*** (LAC No. 100/2016), which pertained to similarly situated land acquired under the same notification and award. The said order dated 15.10.2014 reads as under:

“Heard.

Adjournment sought on behalf of the petitioner on the ground that leading case titled as Jai Prakash Narain Vs. UOI is still pending. Counsel for the petitioner submits that the petitioner shall adopt the evidence of leading case in this case also.

On request and in the interest of justice put up for PE on 26.11.2014.”

16. In several subsequent orders, adjournments were sought specifically on the ground that the lead case was pending adjudication not only at the instance of the petitioner but also by the respondents. In fact, on certain dates when the counsel for the petitioner remained absent, it was the counsel for the respondents who submitted before the learned Reference Court that the lead matter was still pending.

17. At no stage was any objection recorded from the side of the respondents opposing the grant of such adjournments. The matter thus lingered without progress till 28.11.2018, when without any prior indication and in the absence of the petitioner, the learned Reference Court proceeded to close the petitioner’s evidence.

18. Thereafter, on 22.06.2020, during the COVID-19 pandemic, the matter was taken up virtually and final arguments were heard in the absence of the counsel for the petitioner. The matter was then directed to be listed for pronouncement of judgment on 06.07.2020, when the



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reference petition ultimately came to be dismissed on the ground that no evidence had been led in support of the claim for enhancement of compensation.

19. Upon consideration of the material on record and the rival submissions advanced, this Court finds that while it is correct that the appellant failed to lead evidence independently and allowed the matter to remain dormant for several years, it is equally evident from the record that the appellant had, at various stages, indicated his intent to await the outcome of the lead case, which has since culminated in a reasoned judgment, only after filing of the present appeal, enhancing compensation in respect of similarly situated land.

20. The lead case pertained to the same acquisition notification, the same award and the same village and the learned Reference Court therein had returned specific findings on location, potentiality and comparable sale instances after due trial. Given this context, the outright dismissal of the appellant's reference on the sole ground of absence of evidence, particularly in the light of the appellant's submissions before the learned Reference Court on 15.10.2014 and thereafter to rely on the evidence of the lead case, has resulted in manifest prejudice and an incomplete adjudication.

21. At the same time, this Court cannot lose sight of the fact that the appellant remained grossly indolent in pursuing his remedy. His right to lead evidence was closed as far back as on 28.11.2018, following a sustained period of non-appearance. The order itself records that the appellant had not appeared since 18.05.2016 and that no evidence had been led despite issues being framed on 10.09.2014.



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22. The appellant neither sought recall of the order closing evidence nor took any substantive steps to revive the proceedings until the judgment came to be passed on 06.07.2020, and even thereafter, no appeal was filed for nearly four years, until 25.07.2024. While the delay has been condoned in the peculiar facts of the present case, such condonation cannot confer an advantage on the appellant in the form of interest for a period during which the litigation remained in abeyance solely due to his own inaction.

23. The scheme of the Act contemplates a just and fair adjudication of compensation claims, with interest serving as a statutory remedy to offset the loss of use of money due to delays not attributable to the claimant. However, where the delay is occasioned entirely by the claimant's own conduct, the entitlement to interest stands on a different footing. Interest is compensatory in nature, not punitive and cannot be claimed for periods where the claimant himself permitted the proceedings to stagnate.

24. In the present case, although the explanation offered for the delay has been accepted in the interest of substantial justice, this Court finds no justification for granting interest for the *interregnum* between 28.11.2018 and 25.07.2024. Permitting interest for this period would amount to rewarding inaction. As already stated, learned counsel for the appellant himself offered not to claim any interest for the period between 28.11.2018 and 25.07.2024.

25. At the same time, given that the appellant's land was acquired under the same award and the lead case has since been decided on merits with enhanced compensation based on cogent evidence, it



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would be inequitable to deny the appellant the benefit of adjudication altogether.

26. Accordingly, the appeal is allowed and the Judgment dated 06.07.2020 is set aside and matter is remanded back to the learned Reference Court for reconsideration with the directions to permit the appellant to lead his evidence within 3 effective dates of hearings and decide the same afresh, subject to the appellant establishing factual parity and legal admissibility with the lead case titled **Jai Prakash Narayan** (supra). I make it clear that nothing stated in this order shall be construed as an expression on the merits of the claims and the learned Reference Court shall decide the matter independently, in accordance with law.

27. It is further directed that in the event of any enhancement of compensation being granted to the appellant upon remand, the appellant shall not be entitled to interest for the period between 28.11.2018 and 25.07.2024.

28. The appellant shall also pay costs of Rs. 20,000/- to the DHCBA Employees Welfare Fund, within a period of four weeks.

29. The present appeal stands disposed of, in the above terms along with pending applications, if any.

RENU BHATNAGAR, J

AUGUST 05, 2025/pr/kj