

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2030 OF 2026

National High Speed Rail Corporation Ltd. ..Petitioner

Versus

Office of the Collector & District Magistrate
Palghar (Land Acquisition Branch)

...Respondent

WITH
INTERIM APPLICATION NO. 1167 OF 2026
IN
WRIT PETITION NO. 2030 OF 2026

Ms. Mani Gupta a/w Mr. Aman Choudhary, Mr. Dhruvi Patni
& Mr. Prakash Pandey, for the Petitioner.

Mr. Prakash D Shah, Sr. Advocate, a/w Mr. Mihir Mehta i/b
PDS Legal, for the Respondent.

Smt. M S Srivastava, AGP for the Respondent - State

CORAM: N. J. JAMADAR, J.

DATE : 16th MARCH 2026

Oral Order:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 24th January 2024 passed by the Collector whereby the delay in making a reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, came to be allowed and the reference was made to the Authority.
3. Ms. Gupta, the learned Counsel for the petitioner, submitted that, the order condoning the delay singularly lacks

reason. The Collector has simply recorded that, the Collector has perused the other proceedings pertaining to the subject matter before the Courts and, thereupon, proceeded to condone the delay.

4. Inviting the attention of the Court to the notice which was purportedly addressed by the Collector to the respondent-claimant on 15th June, 2021, the learned Counsel for the petitioner submitted that, the period of limitation to make an application to the Collector would have expired in the month of July, 2021. Even if the benefit of the suspension of period of limitation on account of COVID-19 pandemic is given, the period of limitation would have expired by 15th April, 2022. The filing of the application to make a reference to the Authority in the month of January, 2024 was, thus, clearly beyond the extended period of one year for which the Collector is empowered to condone the delay under the proviso to Section 64(2) of the Act. Thus, the impugned order deserves to be interfered with, submitted Ms. Gupta.

5. In opposition to this, Mr. Shah, the learned Senior Advocate for the respondent, would submit that, the matter before the Authority has reached an advanced stage. Not only the petitioner did not assail the order condoning the delay

passed by the Collector within a reasonable time but also participated in the proceedings before the Authority. In the written statement filed on behalf of the petitioner, before the Authority, specific grounds of tenability of the reference on account of the alleged delay in making the application and the legality of the order passed by the Collector in condoning the delay, have been raised. Attention of the Court was invited to the contentions in the written statement filed before the Authority. The evidence of the claimant has been recorded and the reference before the Authority is on the verge of conclusion.

6. Ms. Gupta the learned Counsel for the petitioner, on instructions, fairly submitted that, the reference is listed before the Authority on 17th March, 2026, for advancing final arguments.

7. The situation will thus obtains is that, after the Collector condoned the delay in filing the application to make the reference, the reference was entertained by the Authority, the petitioner has filed written statement; the Authority has proceeded to record the evidence of the parties and the reference has reached an advance stage.

8. Since the petitioner has raised specific grounds about the delay in making the application and the lack of power in the

Collector to condone the delay, at this stage, it may not be expedient for this Court to intervene. As the objections have been raised on the ground of limitation as well, it would be suffice to clarify that, the Competent Authority shall determine the objections raised by the petitioner in regard to the limitation at the stage of final adjudication of the reference.

9. The petition thus stands disposed with a direction to the Authority to consider the grounds raised in the Paragraph Nos. 5 to 9 of the written statement under the caption, "*Re : application is barred by limitation*" at the stage of final adjudication of the reference.

10. In the view of the disposal of the petition, the Interim Application also stands disposed.

[N. J. JAMADAR, J.]