



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-4872-CII-2023 in/and
RA-RF-270-2023 in RFA-5429-2012**

Jai Chand (since deceased) through LRs

. . . . Appellant

Vs.

State of Haryana and others

. . . . Respondents

**Reserved on:12.02.2026
Pronounced on: 13.02.2026
Pronounced Fully/Operative Part: Fully**

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ashok Kaushik, Advocate, for the review applicant.
Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J.

CM 4873-CI-2023 in RA-RF-270-CI-2023 arising out of RFA No.5429-2012

This is application under Order 22 Rule 3 CPC to bring on record LR's of deceased review petitioner Jai Chand, based on a Will dated 11.01.2012.

Allowed subject to all just and legal exceptions and without commenting anything on the validity of the Will relied by applicants, who are the sons of the deceased. Amended Memo of parties be filed.

Main Case and Other Application:

This common order shall dispose of **CM-4872-CI-2023** filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 2127 days in filing the review application i.e. **RA-RF-270-CI-2023** arising out of **RFA No.5429-2012**, as the said review petition in **RFA No.5429-2012** has been filed seeking review of the order dated 03.11.2015 passed therein.

2. The applicants—review petitioners are landowners, whose land situated in village Asawarpur, Tehsil and District Sonipat, was acquired by the State of Haryana for the public purpose of development of Rajiv Gandhi Education City.

3. Dissatisfied with the compensation awarded by the Land Acquisition Collector, the applicants sought references under Section 18 of the Land Acquisition Act, 1894, which were decided by the Reference Court on 31.03.2012. Still aggrieved, the applicants preferred RFA No.5429-2012 before this Court seeking further enhancement. The said appeal was disposed of by a Coordinate Bench on 03.11.2015 (*Annexure A-1*) along with a bunch of similar matters.

4. Aggrieved by the judgment dated 03.11.2015, the applicants, along with other landowners, approached the Hon'ble Supreme Court by way of SLP (Civil) Nos.5535-5609 of 2016. Vide order dated 28.03.2016 (*Annexure A-3*), the Hon'ble Supreme Court noticed certain discrepancies in the judgment of this Court and granted liberty to the landowners to approach this Court by filing review applications.

5. It is contended by the applicants that after coming to know of the order dated 28.03.2016 passed by Hon'ble Supreme Court, they contacted their counsel for filing the review application before this Court and the same was filed vide Diary No.1598037. However, the Registry raised certain objections, regarding which one of the applicants was informed, who took the brief from the counsel to consult his family members. However, he was under acute depression and forgot to file the review application. The copy of the detailed objections as raised by the registry are *Annexure A2*.

6. In the meantime, the review applications, as filed by the other landowners, came up for hearing before this Court and the same were disposed of on 21.11.2016. Landowners were still aggrieved from the said order dated 21.11.2016 and approached the Hon'ble Supreme Court by filing SLPs, which repatriated the matters to this Court for fresh consideration. Thereafter, a Coordinate Bench of this Court considered the bunch of appeals led by ***RFA-4101-2008 titled HSIIDC vs Rajesh II and another*** and disposed of the same vide a common judgment dated 05.07.2019.

7. Applicants submit that on coming to know about the aforesaid order of this Court, the applicants inquired about the case file of their case,

which was already diarized before this Court. After huge efforts, they came to know about the latest status of the case. Thereafter, Pandemic COVID-19 started, due to which activity of the daily life was paralyzed throughout the world. Ultimately, after removing the objections, which were earlier raised by the Registry, the present review application was filed and all this has caused delay of 2127 days. It is submitted by the applicants that said delay of 2127 days was not intentional or deliberate and that it was not going to benefit them in any manner. With all these submissions, prayer is made for condoning the delay of 2127 days in filing the review application. The application is supported by the affidavit of Mukesh Antil, son of deceased-petitioner Jai Chand.

8. Learned counsel for the applicants contends that the case of the review petitioners is fully covered by the judgment dated 05.07.2019 passed in RFA No.4101-2008 and connected matters, and denial of similar relief would result in manifest injustice.

9. Learned State counsel, while opposing the prayer for condonation of delay, fairly concedes that the applicants' case is squarely covered by the above said judgment.

10. This Court has considered the submissions and examined the record.

11. At the outset, it is not disputed that the land of the applicants forms part of the same acquisition, governed by the same notifications issued under Sections 4 and 6 of the Act, the same award of the Land Acquisition Collector, and the same reference proceedings. It is also fairly conceded that similarly situated landowners have already been granted enhanced compensation pursuant to judgments which have attained finality.

12. The principles governing condonation of delay in land acquisition matters are now well settled. In ***Collector, Land Acquisition, Anantnag and another v. Mst. Katiji and others, (1987) 2 SCC 107***, the Hon'ble Supreme Court laid down that a liberal and justice-oriented approach must be adopted in considering applications for condonation of delay, particularly in matters

involving compulsory acquisition of land. The Court emphasised that technical considerations should not defeat substantial justice and that a landowner does not ordinarily stand to benefit by approaching the Court belatedly.

13. In *Market Committee, Hodal v. Krishan Murari, (1996) 1 SCC 311, and Dhiraj Singh (dead) through LRs v. State of Haryana, (2014) 14 SCC 127*, the Hon'ble Supreme Court condoned delays extending over several years to ensure parity amongst landowners whose lands were acquired under the same notification. In *Huchanagouda v. Assistant Commissioner and Land Acquisition Officer, (2020) 19 SCC 234*, while condoning long delay, the Court balanced equities by denying interest for the delayed period.

14. The constitutional dimension of the right to just compensation under Article 300-A has been underscored in *Delhi Air Tech Services Pvt. Ltd. v. State of U.P., 2022 SCC OnLine SC 1408*, read with *Coffee Board, Karnataka v. Commissioner of Commercial Tax, (1988) 3 SCC 263*, holding that deprivation of property must be accompanied by fairness and adequate compensation. The most recent reiteration of these principles is found in *Suresh Kumar v. State of Haryana and others (2025 INSC 550)*, where it was held that delay alone cannot be a ground to deny compensation lawfully payable, particularly when denial would lead to discriminatory treatment among similarly situated landowners.

15. Applying the aforesaid settled principles, this Court is of the considered view that the delay of 2127 days in filing the review petition is neither deliberate nor lacking in bona fides. Non-condonation of delay would result in an anomalous situation, where landowners from the same acquisition would receive disparate compensation for identical lands, offending the principles of equality and parity which lie at the heart of land acquisition jurisprudence. The equities can be appropriately balanced by denying interest for the delayed period, a course repeatedly approved by the Hon'ble Supreme Court and accepted by the applicants.

16. Accordingly, the delay of 2127 days in filing the review application is condoned, subject to the condition that the applicants shall not be entitled to interest on the enhanced compensation for the said period.

17. Turning to the merits of the review petition, it is undisputed that the applicants’ land is governed by the same acquisition proceedings and adjudications culminating in the judgments in ***RFA No.4101-2008 titled HSIDC v. Rajesh Kumar and others decided on 05.07.2019***. The State has fairly conceded the said factual position. Once this Court, in ***RFA No.4101-2008 titled HSIDC v. Rajesh Kumar and others decided on 05.07.2019*** has enhanced compensation for lands forming part of the same acquisition, denial of the same benefit to the present applicants would be wholly unjustified.

18. In view of the above discussion, the review petition deserves to be allowed. The applicants shall be entitled to enhanced compensation in terms of the judgment dated 05.07.2019 in ***RFA No.4101-2008 titled HSIDC v. Rajesh Kumar and others***, along with all statutory benefits admissible under the Land Acquisition Act, 1894, except interest for the delayed period of 2127 days.

19. Accordingly, **CM-4872-CI-2023** filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 2127 days in filing the review application; and also review petition in **RFA No.5429-2012** are allowed in the above terms. The review petition stands disposed of.

Pending application(s), if any, also stand disposed of.

(DEEPAK GUPTA)
JUDGE

13.02.2026

Vivek

<i>Whether Speaking/reasoned</i>	<i>Yes</i>	<i>Whether reportable</i>	<i>No</i>
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Uploaded on: 16.02.2026