



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-2823-C1-2024 in and
RFA No. 1137 of 2024 (O&M)**

I. Haryana State Industrial and Infrastructure
Development Corporation Limited ...Appellant

Versus

Khushi Ram and others ...Respondents

AND

**CM-2831-C1-2024 in and
RFA No. 1140 of 2024 (O&M)**

II. Haryana State Industrial and Infrastructure
Development Corporation Limited ...Appellant

Versus

Chander Bhan and others ...Respondents

**Reserved on: 07.05.2026
Pronounced on: 11.05.2026
Pronounced fully/operative part: Fully

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Argued by:- Mr. Pritam Singh Saini, Advocate for the appellants.

Mr. Vishal Yadav, Advocate for respondent No.1

Mr. Gaurav Garg, AAG, Haryana for respondent No.2 & 3

JUDGMENT:

Since common questions of fact and law arise in both the appeals,
the same are being disposed of by this common judgment.

2. The present appeals have been filed by the beneficiary department–
HSI IDC assailing the common award dated 03.07.2023 passed by the learned
Additional District Judge, Panipat, whereby the references preferred by the
landowners under Section 28-A(3) of the Land Acquisition Act, 1894 were allowed

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and the respondents-landowners were held entitled to compensation at the rate of ₹1051/- per square yard along with all statutory benefits.

3. **CM-2823-C1-2024 & CM-2831-C1-2024** : Both the appeals are accompanied by these applications seeking condonation of delay of 369 days in filing the appeals. The only explanation furnished in the applications is that the matter remained under official process and time was consumed in obtaining approvals and sanctions at different administrative levels.

4. Learned counsel for the appellant contends that the learned Reference Court gravely erred in holding the references under Section 28-A(3) of the Act to be within limitation. It is argued that the applications preferred by the landowners were beyond the prescribed period and, therefore, the impugned award deserves to be set aside solely on this ground.

5. On the other hand, learned counsel appearing for the respondents-landowners submits that the award passed by the learned Court below is perfectly justified in law. It is contended that the references were filed within the statutory period after excluding the time requisite for obtaining certified copy of the award and that the appellant is merely attempting to reopen concluded issues despite there being no illegality in the impugned award.

6. I have heard learned counsel for the parties and have gone through the paper-book as well as the impugned award.

7. At the outset, this Court finds that the applications seeking condonation of delay of 369 days do not disclose any sufficient cause warranting exercise of discretion in favour of the appellant. The explanation offered is entirely vague and omnibus in nature. Mere movement of files from one office to another, administrative approvals, procedural formalities and official correspondence cannot constitute '*sufficient cause*' within the meaning of Section 5 of the Limitation Act 1963.

8. The law is well settled that though some latitude may be shown to Government bodies, yet they cannot claim a separate period of limitation nor can they seek condonation as a matter of right merely because the impersonal machinery of the State moves slowly. The appellant has failed to furnish any

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satisfactory explanation accounting for the delay of each day. The casual and mechanical explanations do not satisfy the requirement of law.

9. Even otherwise, this Court finds no merit in the appeals on merits.

10. The learned Reference Court specifically recorded a finding that the award under Section 28-A(2) of the Act had been passed by learned Land Acquisition Collector on 06.06.2018; the landowners applied for certified copy on 08.06.2018; the copy was prepared on 13.07.2018; and thereafter the references under Section 28-A(3) were filed on 02.08.2018. After excluding the time consumed in preparation of certified copy, the learned Court rightly held the references to be within limitation.

11. The aforesaid finding is based upon proper appreciation of the statutory provisions and does not suffer from any perversity or illegality.

12. Section 28-A(3) of the Land Acquisition Act provides that a person who has not accepted the award under Section 28-A(2) may seek reference to the Court and, for such purpose, the provisions of Sections 18 to 28 of the Act would apply mutatis mutandis. Consequently, the limitation applicable to a reference under Section 18 becomes relevant.

13. Once the provisions of Section 18 stand attracted, the benefit of exclusion of time requisite for obtaining certified copy of the award cannot be denied. The learned Court below has correctly applied the settled principle that the time spent in obtaining certified copy deserves exclusion while computing limitation.

14. The contention raised by learned counsel for the appellant that the references were barred by limitation is, therefore, wholly misconceived and contrary to the material available on record.

15. It is also significant that the compensation payable to similarly situated landowners had already been enhanced upto ₹1051/- per square yard by this Court in the connected Regular First Appeals arising out of the same acquisition proceedings. The very object of Section 28-A of the Act is to remove inequality amongst landowners whose lands were acquired under the same

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notification but who, for one reason or another, could not seek reference under Section 18 of the Act. The provision is beneficial in nature and deserves liberal construction so as to advance the cause of justice rather than defeat legitimate claims on hyper-technical grounds.

16. The learned Reference Court rightly relied upon the judgment rendered in *Kanta versus State of Haryana and another, 2012 (3) RCR (Civil) 980* to hold that compensation payable under Section 28-A must be at par with the compensation finally determined in favour of other landowners covered by the same acquisition.

17. No jurisdictional error, patent illegality or perversity has been pointed out in the impugned award warranting interference by this Court in exercise of appellate jurisdiction.

18. Resultantly, finding no merit in the applications for condonation of delay as well as in the appeals on merits, both the applications seeking condonation of delay of 369 days and the accompanying appeals are hereby dismissed.

19. Pending miscellaneous applications, if any, shall also stand disposed of.

(DEEPAK GUPTA)
JUDGE

11.05.2026

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No

Uploaded on.: 11.05.2026