

2026:PHHC:025827



2026:PHHC:025876



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1828-2023 (O&M)

I. Ram Nath (deceased) through his LR's and others

.... Appellants

Vs.

State of Haryana and others

.... Respondents

RFA-1829-2023 (O&M)

II. Kashmiri

.... Appellant

Vs.

State of Haryana and others

.... Respondents

Date of decision: 18.02.2026

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Arun Kumar Singal, Advocate, for the applicants-appellants.
Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

This common order shall dispose of **RFA-1828-2023** and **RFA-1829-2023**, along with the respective applications filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 3440 days and 3444 days in filing the appeals. Since both appeals arise out of the same acquisition proceedings and challenge the common award dated 31.03.2012 passed by the learned Reference Court, they are being decided together.

2. The lands of the appellants were acquired pursuant to notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894. The Land Acquisition Collector announced the award, and dissatisfied landowners, including the present appellants, sought references under Section 18 of the Act. All references, including LAC-548-2011 and LAC-613-2011 filed by the appellants, were decided by a common award dated 31.03.2012.

3. The explanation for delay in both matters is substantially similar. The appellants, being rustic villagers, were not conversant with legal procedures. Ram Nath, who was handling the legal affairs relating to the acquired land, was unaware of the requirement of filing an appeal. After his demise, and upon learning from similarly situated landowners that enhanced compensation had been granted by this Court in connected matters, the appellants approached counsel and filed the present appeals. The delay also overlaps with the Covid-19 pandemic period.

4. Learned State counsel opposes condonation of delay but fairly concedes that on merits the appellants' cases are covered by the judgment rendered by this Court in respect of the same acquisition proceedings.

5. It is not disputed that the lands of the appellants form part of the same acquisition governed by identical notifications, the same award of the Land Acquisition Collector and the same reference proceedings culminating in the award dated 31.03.2012. It is further conceded that similarly situated landowners have already been granted enhanced compensation pursuant to judgments which have attained finality.

6. The law relating to condonation of delay in land acquisition matters is well settled. The Hon'ble Supreme Court has consistently held that a liberal approach is warranted where refusal to condone delay would defeat substantive justice and create disparity among similarly situated landowners. It has further been held that delay alone cannot deprive a landowner of compensation lawfully determined, particularly where parity is involved. At the same time, equities may be balanced by denying interest for the delayed period.

7. Applying these principles, this Court is satisfied that the delays of 3440 days and 3444 days, though substantial, are not deliberate or mala fide. Refusal to condone would result in unequal compensation for identically situated landowners under the same acquisition, which would be legally unsustainable. The ends of justice would therefore be met by condoning the delay while denying interest for the delayed period.

8. Accordingly, the delays in filing the appeals are condoned subject to the condition that the appellants shall not be entitled to interest on the enhanced compensation for the respective delayed periods.
9. On merits, it is undisputed that the present cases are governed by the ***judgment dated 05.07.2019*** passed by this Court in ***RFA No.4101-2008 titled HSIDC (now HSIIDC) v. Rajesh Kumar-II and others***, arising out of the same acquisition. Once compensation has been enhanced for lands covered by the same notification and such determination has attained finality, denial of identical relief to the present appellants would be wholly unjustified.
10. The present order merely extends the benefit of an existing judicial determination to identically situated landowners. No fresh determination of market value is undertaken. The relief is granted solely on the settled principle of parity. In the absence of any jurisdictional error or perversity, no further interference would be warranted.
11. Consequently, RFA-1828-2023 and RFA-1829-2023 are allowed. The appellants shall be entitled to enhanced compensation in terms of the judgment dated 05.07.2019 in ***RFA No.4101-2008 titled HSIDC (now HSIIDC) v. Rajesh Kumar-II and others***, along with all statutory benefits admissible under the Land Acquisition Act, 1894, except interest for the respective delayed periods.
12. Pending applications, if any, also stand disposed of.

18.02.2026
Vivek

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No