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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **LA.APP. 585/2011**

Date of Decision: 30.03.2016

VIJAY SALUJA ..... Appellant
Through Ms.Smita Maan, Mr.Vishal Maan & Mr.Naresh Maan, Advs.

versus

UNION OF INDIA & ANR ..... Respondents
Through Mr.Sanjay Kumar Pathak, Mr.Sunil Kumar Jha, Mr.Kushal Raj Tater & Ms.Shreya Kasera, Advs.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ASHUTOSH KUMAR, J. (ORAL)

CM Appln. 4619/2016 (under Order 41 Rule 19 CPC) and CM Appln. 4620/2016 (under Section 5 of the Limitation Act for condonation of delay in filing the restoration appeal) and CM Appln. 4621/2016 (condonation of delay in re-filing the restoration appeal)

1. Mr.Sunil Kumar Jha, learned advocate appearing for UOI, files reply to the aforesaid applications today in the Court. The same is taken on record.

2. Heard counsels for the parties.

3. CM Appln. No.4619/2016 is an application for restoration of the LA.APP.No.585/2011 which stood dismissed on 16.05.2012,

though for non-prosecution but the order also disclosed that since the case of the appellant/ applicant would be governed by the judgment passed by the Delhi High Court in Land Acquisition Appeal no.115/2011 (Jai Prakash vs. Union of India & Anr.), which was dismissed, the appeal of the applicant is also required to be dismissed.

4. The land of the applicant in village-Bamnoli was acquired vide award no.01/2007-08 along with the land of other land owners.

5. The appellant had preferred a reference petition under Section 18 of the Land Acquisition Act, giving arise to LAC No.57/2010 in which the judgment and decree was passed on 22.03.2011.

6. The appellant/applicant preferred LA.APP. No.585/2011 before this Court which stood admitted on 12.09.2011.

7. It is submitted that the lawyer appearing on behalf of the appellant/ applicant assured him that he would prosecute the appeal in right earnest and would keep the appellant/applicant informed about any development in the case.

8. In March 2012, the appellant/applicant was informed that the appeals of various other claimants/land losers were disposed of in February, 2012 but his appeal was yet to be listed for final hearing. On that occasion also, an assurance was given by the lawyer that he would personally pursue the matter.

9. The lead appeal with respect to the award referred to above being LA.APP.No.115/2011 (Jai Prakash vs. Union of India & Anr.) was dismissed by Delhi High Court vide judgment dated 01.02.2012. The judgment covered the other connected appeals. The aforesaid judgment was thereafter challenged by the land owners before the

Supreme Court of India in SLP(Civil) No.27234-27285/2014. The, SLPs were converted into Civil Appeal nos.10982-11033/2014 titled as ***Sh.Charan Singh etc. vs. UOI and Anrs.***

10. The Hon'ble Supreme Court of India, it has been informed, vide judgment dated 11.12.2014 modified the judgment dated 01.02.2012 passed by Delhi High Court in LA.APP.No.115/2011 (Jai Prakash vs. Union of India & Anr.) and enhanced the market value of the acquired land of village Bamnoli to Rs.25,00,000/- per acre for land falling in category (A) and Rs.22,00,000/- per acre for the land falling in category (B).

11. The applicant came to learn about the aforesaid judgment of the Supreme Court only in the month of May 2015 through the other land owners.

12. When the lawyer for the appellant/applicant was confronted with the aforesaid facts, he did not have anything specific to say but only asked the appellant/applicant and his wife to engage another lawyer if they were not satisfied with him. The appellant/applicant was also informed that his lawyer had not been a regular practitioner in the Delhi High Court. The file of the applicant was also not returned for quite some time on the plea that it had become untraceable. Later, with the help of another counsel who was engaged, certified copy of the file was procured and thereafter, on learning that the appeal had been dismissed for default, application for its restoration was filed.

13. Learned counsel appearing for the applicant submits that appellant/applicant was under the bonafide belief that the appeal

preferred by him was pending and that the lawyer who was engaged by him earlier was looking after the same. It has also been submitted that if the appeal is not restored, he would suffer irreparable loss and injury in as much as he would be deprived of the enhanced compensation with respect to the acquired land to which he would be entitled to after the judgment of the Hon'ble Supreme Court of India in other connected and lead cases of Village Bamnoli.

14. The aforesaid application for restoration was filed after a delay of 1163 days. Hence, the CM Appln. 4620/2016 and 4621/2016 were preferred by the appellant/applicant for condoning the delay of 1163 days in preferring the application for restoration of the appeal, and for condoning the delay in re-filing the restoration application.

15. In response to the aforesaid applications, the Union of India has filed its reply, opposing the prayer for condonation of delay and thereafter restoration of the appeal.

16. Paragraphs 3 & 4 of the reply affidavit on behalf of the UOI read as hereunder:

> *"3. That the appellant has conveniently not stated as to why did he not contact his counsel earlier for knowing the status of his case. Whether he was in regular contact with his counsel or not. Further, it has also not been stated as to who told him that the Supreme Court has enhanced the compensation of the land acquired under Award No.01/2007-08. The application is conveniently vague on these aspects. The appellant has failed to disclose or even aver in the application under reply as to whether they had been in contact with his counsel on regular basis or not and whether they were diligently pursuing the matter with their counsel or not. Very conveniently the appellants have avoided to give exact dates. Thus, the*

allegations/contentions made in the application under reply are concocted and have no factual basis and do not inspire confidence and do not constitute any cause much less sufficient cause which is the first and foremost requirement for condonation of delay.

4. That in a recent judgment passed on 08.07.2013 in LA. APP. No.66/2013 titled as Inder Singh versus Union of India & Anr. decided along with two other land acquisition appeals, this Hon'ble Court relying upon two recent judgment of the Hon'ble Supreme Court in the cases reported as AIR 2014 SC 746; Basawaraj and Ors. Vs. The Special Land Acquisition Officer and (2014) 4 SCALE 50: Brijesh Kumar & Ors. Vs. State of Haryana & Ors.; has held that once there is inaction and/or want of bonafide, and/or negligence, then, delay cannot be condoned. It was further held that equity is not a ground to extend the limitation period by condonation of delay if there is no sufficient cause. In the said case this Hon'ble Court thus refused to exercise its power under Section 5 of the Limitation Act, 1963 read with Order 41 Rule 1 of Code of Civil Procedure, 1908 for condonation of delay and dismissed the application and consequently the said appeals."

17. The other assertions of the appellant/applicant have been vehemently opposed and denied by UOI and it was submitted that the delay could not have been condoned as there was deliberate and wilful latches on the part of the appellant/applicant in not preferring the restoration application in time.

18. Rejoinder to the aforesaid reply reiterates the contention of the applicant that there was no wilful latches or fault on the part of the appellant/applicant. It was also pointed out that the Hon'ble Supreme Court also condoned the delay of 1600 days in preferring the appeal against award no.01/2007-08 pertaining to village-Bamnoli and

therefore the delay in preferring the restoration application ought to be condoned and the appeal be restored.

19. True it is, that there has been an unusually long delay in preferring the restoration application before this Court but the mandate of Section 5 of the Limitation Act 1963 is that if a Court is satisfied about the applicant having sufficient cause for not preferring the appeal or any other application, the delay may be condoned.

20. Section 5 of the Limitation Act reads as hereunder:-

> *"**5 Extension of prescribed period in certain cases**—Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.*
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> *Explanation—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section."*

21. The law of limitation, is based on the legal maxim "*Interest Reipubulicae Ut Sit Finis Litium*" which means that it is for the general welfare that a period be put to litigation. If legal remedy is kept alive beyond the legislatively fixed period of time, it only generates dissatisfaction. The parties cannot be allowed to have an

unbridled and unfettered free play in matters of timing of approaching the Court. The Courts, as held by the Supreme Court, must keep in mind, while dealing with the limitation petition, that there is a distinction between the delay for a plausible reason and delay because of inaction or negligence which deprives a party of the protection of Section 5 of the Limitation Act, 1963.

22. Without disputing the aforesaid well established principles regarding the law of limitation, there is another aspect, equally important, which cannot be lost sight of. The Supreme Court has, on number of occasions opined that the expression "sufficient cause" ought to be interpreted in a manner which subserves the cause of justice for which the institutions of justicing stand for. When a case with arguable points is shut out on prescriptions of limitation, it results in throwing out a good case at the threshold with the only necessary implication of injustice being perpetuated and justice being defeated. The expression "sufficient cause" cannot be interpreted in an iron frame. The expression "sufficient cause", in the words of the Supreme Court, is sufficiently elastic for the purposes of a meaningful interpretation. A serious note of caution has been sounded by Supreme Court against any pedantic or hyper technical approach in dealing with limitation petitions, more so, when stakes are high and there is availability of arguable points of law.

23. A Court cannot turn away its gaze from the fact that no litigant benefits by approaching the Court late. Without any good reason, nobody would like to have his claim extinguished and more often than not, any good reason would dovetail into sufficient reason for

approaching the Court after the period of limitation.

24. In ***Ramlal vs. Rewa Coalfields Ltd., AIR 1962 SC 361***, the Supreme Court, while interpreting Section 5 of the Limitation Act, laid down the following proposition:

> *"In construing Section 5 (of the Limitation Act), it is relevant to bear in mind two important considerations. The first consideration is that the expiration of the period of limitation prescribed for making an appeal gives rise to a right in favour of the decree-holder to treat the decree as binding between the parties. In other words, when the period of limitation prescribed has expired, the decree-holder has obtained a benefit under the law of limitation to treat the decree as beyond challenge, and this legal right which has accrued to the decree- holder by lapse of time should not be light-heartedly disturbed. The other consideration which cannot be ignored is that if sufficient cause for excusing delay is shown, discretion is given to the court to condone delay and admit the appeal. This discretion has been deliberately conferred on the court in order that judicial power and discretion in that behalf should be exercised to advance substantial justice.*

25. ***In Collector, Land Acquisition, Anantnag v. Mst. Katiji, (1987) SCC 107,*** the Supreme Court made a significant departure from the earlier judgments and observed:

> *"The legislature has conferred the power to condone delay by enacting Section 5 of the Indian Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on "merits". The expression "sufficient cause" employed by the legislature is*

adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice-that being the life-purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:

1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.

Making a justice-oriented approach from this perspective, there was sufficient cause for condoning the delay in the institution of the appeal. The fact that it was the "State" which was seeking condonation and not a private party was altogether irrelevant. The doctrine of equality before law demands that all litigants, including the State as a litigant, are accorded the same treatment and the law is administered in an even-handed manner. There is no warrant for according a step-motherly treatment when the "State" is the applicant praying for condonation of delay. In fact experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be subjected to appeal) and the inherited bureaucratic methodology imbued with the note-making, file-pushing and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve. In any event, the State which represents the collective cause of the community, does not deserve a litigant-non-grata status. The courts therefore have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression "sufficient cause". So also the same approach has to be evidenced in its application to matters at hand with the end in view to do even- handed justice on merits in preference to the approach which scuttles a decision on merits."

26. ***In N. Balakrishnan v. M. Krishnamurthy, (1998) 7 SCC 123***, the Supreme Court expanded the scope and ambit of law of limitation and elucidated as follows:

"It is axiomatic that condonation of delay is a matter of discretion of the court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. Once the court accepts the explanation as sufficient, it is the result of positive exercise of discretion and normally the superior court should not disturb such finding, much less in revisional jurisdiction, unless the exercise of discretion was on wholly untenable grounds or arbitrary or perverse. But it is a different matter when the first court refuses to condone the delay. In such cases, the superior court would be free to consider the cause shown for the delay afresh and it is open to such superior court to come to its own finding even untrammelled by the conclusion of the lower court.

Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of

limitation is thus founded on public policy. It is enshrined in the maxim interest reipublicae up sit finis litium (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.

It must be remembered that in every case of delay, there can be some lapse on the part of the litigant concerned. That alone is not enough to turn down his plea and to shut the door against him. If the explanation does not smack of mala fides or it is not put forth as part of a dilatory strategy, the court must show utmost consideration to the suitor. But when there is reasonable ground to think that the delay was occasioned by the party deliberately to gain time, then the court should lean against acceptance of the explanation. While condoning the delay, the court should not forget the opposite party altogether. It must be borne in mind that he is a loser and he too would have incurred quite large litigation expenses. It would be a salutary guideline that when courts condone the delay due to latches on the part of the applicant, the court shall compensate the opposite party for his loss.

27. ***In P.K. Ramachandran v. State of Kerala, (1997) 7 SCC 556***, the Supreme Court while reversing the order passed by High Court which had condoned 565 days delay in filing an appeal by the State against the decree of the Sub- Court in an arbitration application, observed that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so

prescribes and the Courts have no power to extend the period of limitation on equitable grounds.

28. ***In State of Nagaland v. Lipok AO, AIR 2005 SC 2191***, the Supreme Court has observed that justice-oriented approach should be adopted. Unless a pragmatic view is taken, injustice is bound to occur.

29. In matters of land acquisition where the land is compulsorily acquired, different approach has to be taken. The land losers cannot be deprived of the reasonable compensation for their lands. If other situated land owners are given the higher compensating, there is no reason to pay lesser amount to a land loser under any circumstance. In this context, it would be relevant to quote the following observations from the judgment delivered in ***Imrant Lal vs. Collector (LA): (2014) 14 SCC 133:***

> *"While we agree with Shri Narender Hooda that the averments contained in the application for condonation of delay were extremely vague and did not provide satisfactory explanation for the long delay of 1110 days, but it cannot be ignored that in identical matters another learned Single Judge had granted relief to the landowners by enhancing the compensation and this factor should not have been overlooked by the learned Single Judge while deciding the application for condonation of delay.*
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> *We can take judicial notice of the fact that villagers in our country are by and large illiterate and are not conversant with the intricacies of law. They are usually guided by their co-villagers, who are familiar with the proceedings in the courts or the advocates with whom they get in touch for redressal of their grievance. Affidavits filed in support of the applications for condonation of delay are usually drafted by the advocates on the basis of half-baked*

information made available by the affected persons. Therefore, in the acquisition matters involving claim for award of just compensation, the court should adopt a liberal approach and either grant time to the party to file better affidavit to explain delay or suo motu take cognizance of the fact that large number of other similarly situated persons who were affected by the determination of compensation by the Land Acquisition Officer or the Reference Court have been granted relief.

In Samiyathal v. Tahsildar [Civil Appeal No. 5335 of 2013, order dated 5-7-2013 (SC)] decided on 5-7-2013, this Court took cognizance of the fact that many landowners may not have been able to seek intervention of this Court for grant of enhanced compensation due to illiteracy, poverty and ignorance and issued direction that those who have not filed special leave petition should be given enhanced compensation. The relevant portion of the judgment passed in that case is extracted below:

'We further direct the respondents and the State of Tamil Nadu to pay the same amount of compensation to other landowners whose land was acquired by the Notification dated 22-5-1991, but who may have on account of ignorance, poverty and other similar handicaps, not been able to approach the Reference Court or may not have been able to contest the matter before the High Court and this Court. The needful be done in respect of other landowners within a period of six months. This direction has been given in exercise of the power vested in this Court under Article 142 of the Constitution.'

30. Keeping the aforesaid principles in mind as also taking into account the fact that even though the appeals by other land owners whose lands were also acquired vide award no.01/2007-08 in village Bamnoli stood dismissed but on further appeal to Supreme Court, the enhanced compensation was awarded, it would be rather harsh to shut

out the appellant/applicant from the benefit of such enhancement in compensation.

31. This Court is conscious of the fact that time has come today where no unnecessary indulgence is required to be shown to any litigant in general. It only delays of the conclusion of the proceedings between two set of parties and validates and ratifies the inaction or want of bonafide or negligence on the part of the litigant in approaching the court late.

32. In **Basawaraj & Anr vs. Special Land Acquisition Officer: AIR 2014 SC 746,** the Supreme Court has gone on to state that equity is not a ground to extend the limitation period by condoning the delay if there is no "sufficient cause". The reason assigned by the Supreme Court is that an unlimited period of litigation would have an impact of rendering a sense of insecurity and uncertainty, depriving a successful party of enjoying the fruits of litigation as finality to a judgment is postponed.

33. What has fallen upon this Court, now, is to see whether the reasons assigned by the applicant/appellant constitute sufficient cause or is absolutely bogus, absurd and unbelievable.

34. The reasons which have been assigned in the application do make out a sufficient cause for the appellant/applicant in approaching the court late for restoration of the appeal which stood dismissed for non prosecution.

35. The intention of the appellant/applicant cannot be doubted for the reason that at the appropriate time, the appeal against the judgment of the Reference Court was preferred before this Court. Though, at

that instance also, there was a delay of 64 days in re-filing the appeal. The appeal actually stood admitted on 12.09.2011 in the first instance as the Court took note of the fact that other matters pertaining to Village Bamnoli had already been admitted. There could have been no reason for the appellant/applicant not to have pursued his appeal before this Court. Even if the lead appeal viz. LA Appeal No.115/2011 (Jai Prakash vs. Union of India & Anr.) was dismissed, which covered the case of the appellant/applicant as well, there was no reason why the appellant/ applicant would not have, along with other land owners, gone to Supreme Court, had he known that his appeal has been dismissed. The bonafide of the appellant/applicant is further evident from the fact that even though he has not given the exact dates when he met his lawyer who informed about the pendency of his appeal before this Court, he has, in detail, stated as to the number of times that he asked his lawyer about the status of the appeal. The name of the lawyer has also been provided in the application seeking condonation of delay in preferring and re-filing the restoration application. Further delay was caused because the file was not traceable. The lawyer, according to the applicant, was not a regular practitioner and therefore, the reason which has been assigned namely file going untraceable appears to be logical and this Court does not find it difficult to accept the same.

36. This Court has also been swayed by the fact that the main purpose for strictly enforcing the law of limitation is to provide finality to the judgments of the Courts and in this case, which is a case of compulsory acquisition and compensation provided to the land

owners being not satisfactory in the estimation of the land owners, the issue stands finally determined by the Supreme Court. This Court sees no reason in keeping the appellant/applicant out of the advantages of the final determination of the issue by the Supreme Court of India.

37. For the reasons aforestated, the delay in filing and re-filing the applications for restoration of the appeal is condoned with the condition that the appellant will not claim and will not be granted any interest for the period between 16.05.2012 when the appeal was dismissed for non prosecution and 30.03.2016 when the restoration applications were allowed and the appeal was restored.

38. Application nos.4619-21/2016 are allowed and disposed of accordingly in terms of what is stated above.

39. The appeal stands restored to its original number/file.

LA.APP.585/2011

1. Heard the counsels for the parties.

2. The appellant has challenged the judgment and decree of the Reference Court (Sh.Arun Bhardwaj, ADJ), Dwarka Courts, New Delhi dated 22.03.2011 passed in LAC No.57/2010 (Sh. Vijay Saluja vs. Union of India & Anr.).

3. Vide notification issued under Section 4 of the Land Acquisition Act (hereinafter called the Act) dated 24.10.2004 and 04.11.2004 respectively, a large tract of land measuring 2100 bighas 6 biswas located in Village Bamnoli was acquired for the purposes of the planned development of Delhi. Thereafter notification under Section 6 of the Act was issued on 31.10.2005.

4. The Land Acquisition Collector, after categorization of the

acquired land into two separate blocks namely Block A and B, awarded compensation at the rate of Rs.15,70,000/- per acre for the land falling in Block A and Rs.14,13,000/- per acre for the land falling in Block B vide award No.1/2007-2008.

5. The above referred award included the land of the appellant (Khasra No.10/13/2 (0-8), 14/1 (4-00), 17 (4-16) and 24 (4-16) measuring about 14 bighas of land) to the extent of 1/2nd share and which remained in his possession till it was taken over by the Government.

6. The land of the appellant fell in category A and the compensation awarded was at the rate of Rs.15,70,000/- per acre as per the award.

7. Being dissatisfied with the fixation of the market value, the appellant preferred a reference petition under Section 18 of the Act along with other claimants.

8. The Reference Court, vide its judgment and decree dated 22.03.2011 removed the distinction which was made by the Land Acquisition Collector namely carving out block A and block B out of the acquired land and passed an award by uniformly granting compensation at the rate of Rs.17,45,000/- per acre with the statutory benefits.

9. The other claimants/land owners, being aggrieved by the award passed by the Reference Court preferred appeals before the Delhi High Court as was done by the appellant.

10. The appeals referred to above including the present appeal filed by the appellant were admitted and were directed to be listed along

with LA Appeal No.204/2011, such appeal being the lead matter pertaining to village Bamnoli.

11. The present appeal was also tagged along with the aforesaid set of appeals.

12. The appeals referred to above were deci ded by a Bench of this Court vide judgment dated 01.02.2012 in LA Appeal No.115/2011 (Jai Prakash vs. Union of India & Anr.) along with the other appeals. The aforesaid judgment restored the categorization made by the Land Acquisition Collector and on appreciating the evidence adduced on behalf of the parties, determined the quantum of compensation at the rate of Rs.17,45,000/- per acre with respect to block A lands but reduced the amount of compensation to Rs.17,01,375/- per acre with respect to lands falling in Block B.

13. When the aforesaid matter was decided, there was no appearance on behalf of the appellant and hence the present appeal was not included in the list of appeals which were to be covered by the judgment dated 01.02.2012 referred in LA Appeal No.115/2011.

14. Later by order dated 16.05.2012, a Bench of this Court noted that in view of the judgment delivered in LA Appeal No.115/2011 (Jai Prakash vs. Union of India & Anr.) on 01.02.2012, the present appeal also had to be dismissed. However, since there was no appearance on behalf of the appellant on that date as well, the appeal was dismissed in default.

15. Be it noted that thereafter an application for restoration of the appeal was filed along with an application for condonation of 1163 days delay in preferring such restoration application.

16. The aforesaid applications have been allowed today (30.03.2016) and the appeal has been restored to its original file.

17. The other appellants whose cases were covered by the judgment rendered in LA Appeal No.115/2011(Jai Prakash vs. Union of India & Anr.) challenged the same before the Hon'ble Supreme Court of India vide SLP (C) Nos.27234-27285/2014 which were converted in Civil Appeal Nos.10982-11033/2014.

18. The aforesaid civil appeals were heard by the Supreme Court of India under the generic title ***Sh.Charan Singh etc vs. Union of India & Anr***.

19. The Supreme Court, taking into account the relevant factors and totality of the circumstances, affirmed the judgment of the Delhi High Court whereby two sets were carved out of the acquired land namely Block A and Block B. The Supreme Court was of the opinion that the lands falling in both the categories were differently situated. However, the quantum of compensation determined by the High Court was interfered with and the compensation with respect to lands falling in Block A was fixed at Rs.25,00,000/- (Rs.25 lakhs only per acre) and for Block B at the rate of Rs.22,00,000/- (Rs.22 lakhs only per acre). The aforesaid difference in the quantum of compensation with respect to the two sets of land acquired was made keeping in view the time gap between the two notifications, the development of the land in that duration and the annual increase in the value and the change of the land use. The claimants were also directed to be entitled to all statutory benefits including interest on solatium amount.

20. Since the land of the appellant falls in Block A, he would also

be governed by determination made by the Hon'ble Supreme Court in Sh.Charan Singh etc vs. Union of India & Anr. (Civil Appeal Nos.10982-11033/2014 upon SLP(C) Nos.27234-27285/2014). However, the appellant shall not be entitled to any interest for the period of delay i.e. between the period of dismissal of this appeal for non prosecution on 16.05.2012 till its restoration on 30.03.2016.

21. The appeal stands disposed of in terms of the above.

ASHUTOSH KUMAR, J

MARCH 30, 2016
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