

**HIGH COURT OF CHHATTISGARH AT BILASPUR****ARBA No. 35 of 2025**

Sangeeta Singh **versus** Executive Engineer National Highway
Bilaspur

Order on Board

10/03/2026	<p>Mr. Aditya Kumar Mishra along with Mr. Rohan Sharma, learned counsel for the appellant.</p> <p>Mr. Tushar Dhar Diwan, learned counsel for respondent No.1.</p> <p>Mr. Anand Gupta, learned Dy. GA for the State.</p> <p>Heard on I.A. No. 02/2026, an application under Section 5 of the Limitation Act seeking condonation of delay of 157 days in filing the appeal.</p> <p>Learned counsel for the appellant submits that the present appeal under Section 37 of the Arbitration and Conciliation Act, 1996 has been preferred by the appellant, who is a land loser. Referring to the judgment of the Supreme</p>
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Court in the matter of *Suresh Kumar v. State of Haryana and Connected Case (SLP (C) No. 670 of 2020, decided on 23/04/2025)*, he would submit that the Supreme Court in the said case has categorically observed that delay should not be a ground to deny compensation to land losers. He further submits that the present appeal has also been preferred by a land loser and the delay has been duly explained.

Per contra, learned counsel appearing for respondent No.1/National Highway Bilaspur opposes the submissions made on behalf of the appellant and submits that this Court in the matter of *Chief Engineer, Public Works Department v. Bakulal (ARBA No. 11/2025, decided on 24/02/2026)* has already dealt with the issue of delay in filing such appeals. He submits that this Court, while applying the settled principles of law laid down by the Apex Court in *Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers and Contractors Pvt. Ltd., reported in (2021) 6 SCC 460*, rejected the appeal on the ground of delay. Therefore, he prays for dismissal of the present appeal as well.

I have heard learned counsel for the parties and perused the application for condonation of delay as well as the judgments cited by both the parties.

It is an undisputed fact that the appellant herein is a land loser, though the appeal has been preferred at a belated stage.

The Supreme Court in the matter of **Suresh Kumar (Supra)** has categorically dealt with the issue of delay in case of a land losers and held at paras 11 & 13 as under:

“11. In all judgments referred supra, the common thread that can be observed is that delay is not a reason to deny the land losers their compensation, which is just, fair and reasonable for the land they have lost.

XXX XXX XXX XXX

13. In view of the above discussion, we are of the considered view that the delay ought to have been condoned, since the position that the land loser had, in fact, asked for the appeal to be filed but it was not, for no fault of his, is an controverted position of fact.....”

After considering the submissions of learned counsel for the parties, it is apparent that the present appeal has been

preferred by the appellant, who is a land loser, and the delay has been explained by assigning sufficient cause. The judgment relied upon by learned counsel for NHAI pertains to a case where the appeal was filed by the Chief Engineer, Public Works Department, National Highway Zone, who is not a land loser but rather the beneficiary of the land acquisition proceedings. Therefore, the beneficiary of the acquisition proceedings cannot be equated with a land loser.

Considering the aforesaid and relying upon the judgment of the Supreme Court in *Suresh Kumar (supra)*, this Court finds that sufficient cause has been shown for condonation of delay. Accordingly, the delay of 157 days in filing the appeal is condoned.

Consequently, I.A. No. 02/2026 is allowed.

Call for the records of the concerned Court.

List the appeal for hearing after three weeks.

Sd/-

(BIBHU DATTA GURU)
JUDGE