



IN THE HIGH COURT OF ORISSA AT CUTTACK
LAA No. 46 of 2024

**Gopal Chandra Negi and
another**

Appellants

Mr. P. Dash, Advocate

-versus-

**Land Acquisition Zone
Officer**

Respondent

Mr. P.K.Mohanty, ASC

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

16.03.2026

(Hybrid Mode)

Order
No.

7.

I.A. No. 431 of 2024

1. I.A. has been filed seeking condonation of reported delay of 70 days in filing the appeal.

By order dated 29.10.2025 coordinate Bench had noted the pendency of the petition before Hon'ble Supreme Court regarding condonation of delay beyond the statutory period of 60 days as provided under section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. In the present case the total period taken as reported by Stamp Report is 143 days in filing the appeal. The period for obtaining certified copy has been given allowance i.e. 13 days. The period becomes 143-13=130



days. The period of prescribed limitation 60 days after being deducted the delay comes to 70 days.

3. In the meanwhile the Hon'ble apex Court in judgment dated 9th February, 2026 in ***The Deputy Commissioner And Special Land Acquisition Officer vs M/S S.V. Global Mill Limited : 2026 INSC 138*** and few hundreds of civil appeals taken up together, has answered the questions of law and settled. Relevant paragraphs to be considered and applied in the present case are reproduced herein :

"3. We are dealing with a batch of matters wherein the High Courts, vide the impugned judgments, have dismissed the first appeals filed by the appellant(s) under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the 2013 Act") as being barred by limitation.

4. The primary issue before us is on the interplay of Section 74 read with Section 103 of the 2013 Act, on the one hand, and Sections 5 and 29(2) of the Limitation Act, 1963 (hereinafter referred to as "the 1963 Act") on the other. The incidental issue is on the application of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act") as against the 2013 Act in cases where land acquisition proceedings were initiated under the 1894 Act, but the award has been passed after the commencement of the 2013 Act.

CONCLUSION

97. We conclude as follows:

(i) Section 24(1)(a) of the 2013 Act is applicable to all those cases where awards are passed after the commencement of the 2013 Act.

(ii) For passing the award under Section 24(1)(a), the provisions of the 2013 Act alone will have to be followed, except for the rehabilitation and resettlement entitlements.



(iii) The first appeals before the High Courts should be treated as ones under Section 74 of the 2013 Act and not under Section 54 of the 1894 Act.

(iv) Section 74 of the 2013 Act does not bar the application of Section 5 of the 1963 Act.

(v) Consequently, all the applications seeking condonation of delay in preferring the first appeals before the High Courts under Section 74 of the 2013 Act stand allowed.

(vi) All the impugned judgments are set aside insofar as the issue of application of Section 5 of the 1963 Act is concerned.

(vii) The respective State Governments will have to take necessary measures and issue appropriate directions to the officers dealing with the appeals under Section 74 of the 2013 Act.

(viii) High Courts shall avoid a pedantic approach as against a pragmatic one in dealing with the applications seeking condonation of delay.

98. *Accordingly, the appeals stand disposed of in the aforesaid terms.*

99. *Pending application(s), if any, shall also stand disposed of."*

4. In light of the authoritative pronouncement, this Court has to consider whether delay is to be condoned or not in entertaining the Appeal to be considered on merit which has been filed beyond the statutory period of 60 days.

Learned Addl. Standing Counsel refers to the objection filed by the respondent in LAA. It is submitted by learned counsel referring to the objection filed on behalf of respondent that sufficient cause has not been shown in explaining the delay. Learned ASC refers to the paragraphs 9 & 10.



5. In view of the judgment cited above, now this Court can consider the reasons stated in the I.A. filed by the appellant seeking condonation of delay. In considered opinion of this Court paragraphs 3 & 4 of the objection shows reasonably sufficient cause to condone the delay subject to each of the petitioners paying ₹1,000/- to Orissa High Court Welfare Fund.

6. The receipt of deposit of cost of ₹1,000/- each by each of the petitioners (Total of Rupees two thousand) in the Orissa High Court Welfare Fund, shall be filed within fifteen working days. The matter shall be considered for fresh admission in the week commencing 13.04.2026.

(Mruganka Sekhar Sahoo)
Judge

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