



2026:PHHC:059543

RFA-1830-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1830-2023 (O&M)

Sunil Devi and another

...Appellants

Versus

State of Haryana and others

...Respondents

Reserved on: 20.04.2026

Pronounced on: 21.04.2026

Pronounced fully/operative part: Fully

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by: None for the appellant.
Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J.

This appeal under Section 54 of the Land Acquisition Act has been filed seeking enhancement of compensation awarded for the acquired land of the appellants. The appeal is accompanied by application bearing **CM-5289-CI-2023** under Section 5 of the Limitation Act to condone the delay of 2298 days in filing the appeal

2. The perusal of the paper-book would reveal that 16.37 acres of land situated in village Pawala Khusrupur, Tehsil and District Gurgaon, which included the land of the appellants, was acquired for development and utilization of the same for sector roads of 99 to 115 at Gurugram. Notification under Section 4 of the Land Acquisition Act for this purpose was issued on 13.01.2010 followed by notification dated 25.01.2010 under Section 6 of the Act. Collector, vide his award No.75 dated 31.03.2010 determined the market value of the acquired land at ₹60,00,000/- per acre.

3. Various landowners sought references including the appellants. The Reference Court enhanced the compensation to



₹1,71,06,462/- per acre apart from other statutory benefits. Not satisfied with the same, various appeals were preferred before this Court. A co-ordinate Bench of this Court vide judgment dated 23.10.2019 passed in RFA-7824-2013 titled '**Vivek Kumar vs. State of Haryana and others**' (Annexure A-2) along with various other connected appeals, assessed the market value at ₹4,78,79,070/- per acre along with the statutory benefits.

4. It is submitted by the appellants that the reference under Section 18 of the Act was filed by them along with Suresh and others. They were impleaded as petitioner Nos.7 and 8 in the said reference petition. After the decision of the Reference Court, Suresh and others filed RFA-5627-2015, wherein they (present appellants) were impleaded as proforma respondents No.5 and 6. It is submitted that they had handed over all the relevant documents to the counsel engaged by the other appellants but due to some misunderstanding, appeal was not filed on their behalf. It is only after the decision by this Court that the appellants came to know that the appeal on their behalf had not been filed and so, they have filed the present appeal with a delay of 2298 days. With these submissions, prayer is made for condoning the delay.

5. In reply to the application, the State of Haryana has strongly opposed the condoning of the delay, submitting that there is no justification.

6. At the time of hearing, counsel for the appellant was not present. Learned State counsel has been heard and the record has been perused.

7. It has not been disputed by learned State counsel that the case is fully covered by judgment dated 23.10.2019 in RFA-7824-2013 titled '**Vivek Kumar vs. State of Haryana and others**'.



8. In the aforesaid circumstances, the question is whether the delay of 2298 days in filing this appeal should be condoned, particularly when the appellants were impleaded as proforma respondents in other appeal filed by other appellants with whom, they had filed the reference petition.

9. It is by now well established that in cases involving compulsory acquisition of land, courts are required to adopt a liberal and justice-oriented approach while considering applications for condonation of delay. The underlying rationale is that a landowner, who has been deprived of his property by the State, cannot be denied just compensation merely on account of delay, particularly when other similarly situated landowners have already been granted enhanced compensation.

10. The principle of parity assumes considerable significance in such matters. Denial of the same compensation to landowners, whose lands are covered by the very same notification would result in an anomalous and inequitable situation, offending not only the concept of fairness but also the equality clause enshrined in Article 14 of the Constitution. Further, the right to property under Article 300-A, though no longer a fundamental right, continues to be a valuable constitutional right, which mandates that deprivation thereof must be accompanied by just, fair and reasonable compensation.

11. At the same time, the courts have evolved a balanced approach to safeguard the interests of the State by denying interest for the period of delay, thereby ensuring that while substantive justice is done, the financial burden arising out of inordinate delay is not unjustly imposed upon the State. Reference may be made to ***Collector, Land Acquisition, Anand Nag & Nr. Vs. Mst. Katiji & Ors, (1987) 2 SCC 107; Delhi Air Tech***



Services Pvt. Ltd. v. State of U.P. & Anr., 2022 SCC Online SC 1408;* and *Coffee Board, Karnataka v. Commissioner of Commercial Tax, (1988) 3 SCC 263.

12. In ***Dhiraj Singh (D) through LRs etc. v. State of Haryana & Ors., (2014) 14 SCC 127;*** and in ***Market Committee, Hodal v. Krishan Murari & Ors., (1996) 1 SCC 311,*** long delays, running into several thousand days, were condoned by Supreme Court precisely to maintain parity between similarly situated landowners. Likewise, in ***Huchanagouda v. Assistant Commissioner & LAO, (2020) 19 SCC 234,*** while condoning long delays, Hon'ble Supreme Court balanced the equities by denying interest for the delayed period. The recent reiteration of these principles is found in ***Suresh Kumar v. State of Haryana & Ors. (2025 INSC 550),*** where Hon'ble Supreme Court reiterated that delay alone cannot deprive a landowner of compensation that is otherwise lawfully due.

13. Applying the aforesaid principles to the facts of the present case, it is evident that the delay in filing the appeals cannot be said to be deliberate or mala fide. More importantly, refusal to condone the delay would result in denial of compensation at par with other landowners, whose lands were acquired under the same notification and who have already been granted enhanced compensation by the Hon'ble Supreme Court. Such a course would be legally untenable.

14. Accordingly, the delay in filing the appeals is condoned, subject to the condition that the appellants shall not be entitled to interest on the enhanced compensation for the period of delay.

Merits of the Appeals

15. Turning to the merits of the case, it is not disputed that the controversy involved in the present appeal is squarely covered by the judg-



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ment of the this Court dated 23.10.2019 passed in RFA-7824-2013 titled '**Vivek Kumar vs. State of Haryana and others**'. The acquisition, the notifications, the award, and the subsequent adjudications are common. There is no distinguishing feature, which would justify denial of the benefit of the said judgment to the present appellants.

16. Once the market value of the land acquired under the same notification has been finally determined by this Court, the principle of finality coupled with parity leaves no room for any further adjudication on the issue. The appellants are, therefore, entitled to compensation at the rate of **₹4,78,79,070/- per Acre**, as has been awarded in the aforesaid judgment, along with all statutory benefits admissible under the Land Acquisition Act, 1894.

17. In view of the above discussion, the appeals are allowed. The appellants shall be entitled to an enhanced compensation in terms of the judgment dated 23.10.2019 passed by this Court in **Vivek Kumar vs. State of Haryana and others (supra)**, along with all consequential statutory benefits. However, they shall not be entitled to any interest for the period of delay, as noticed hereinabove.

18. The appeals stand disposed of in the above terms. A photocopy of this order be placed on the files of connected cases.

21.04.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No

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