

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 9217-9220 OF 2013  
(Arising from SLP(C) Nos.10895-10898 of 2012)

Ishverbhai Becharbhai Patel and others ..Appellants

versus

General Manager, O.N.G.C. and another ..Respondents

## O R D E R

Leave granted.

These appeals are directed against order dated 10.1.2012 by which the Division Bench of the Gujarat High Court condoned 1110 days' delay in filing an appeal by the respondents against judgment dated 31.3.2008 passed by Principal Senior Civil Judge, Gandhinagar (hereinafter described as, 'the Reference Court') in LAR No.356 of 1998.

In response to the request made by Oil and Natural Gas Corporation Limited (ONGC), the concerned Deputy Collector invoked Section 35(2) of the Land Acquisition Act, 1894 (for short, 'the Act') and handed over possession of 16,541 sq. meters of land belonging to the appellants to ONGC for drilling and extraction of oil.

The Special Land Acquisition Officer, ONGC passed award dated 13.10.1987 and fixed rental compensation at the rate of Rs. 0.60 per sq. meter per annum.

Feeling dissatisfied with the quantum of rental compensation determined by the Special Land Acquisition Officer, the appellants filed an application under Section 18 of the Act and pleaded that they are entitled to rental compensation at the rate of Rs.20 per sq. meter per annum. Vide Judgment dated 31.3.2008, the Reference Court fixed the rental compensation at the rate of Rs.20 per sq. meter per annum.

Although the appellants sent notices dated 16.7.2008, 21.1.2009 and 5.10.2009 to the concerned officers of ONGC and demanded enhanced rental compensation, the latter did not pay the amount. A final notice was sent by the appellants on 15.4.2011. Soon thereafter, the respondents filed an appeal under Section 54 of the Act along with an application for condonation of 1110 days' delay. The appellants contested the application and pleaded that the explanation given by the respondents was based on falsehood and an attempt has been made to mislead the High Court.

Initially, the Division Bench of the High Court felt prima facie convinced that the respondents have made false statement in the application for condonation of delay and called upon them to file supplementary affidavit but, after filing of the supplementary affidavit, it condoned the delay by recording the following observations:

"After hearing the learned counsel for the parties and after going through the materials on record, we find that there is no doubt that some wrong statements were made in the applications for condonation of delay which has subsequently been explained by way of supplementary affidavit. After taking into consideration the fact that the appellant is a Corporation and the litigations are filed on the basis of information received from different departments of the said Corporation, we are satisfied that there was some communication gap while giving instruction to the learned advocate for preferring these applications for condonation of delay.

Although Mr. Patel appearing on behalf of the claimants-respondents strenuously contended before us by relying upon the decision of the Supreme court in the case of Oriental Aroma Chemical Industries Ltd. vs. Gujarat Industrial Development Corporation and another reported in (2010) 5 SCC 459 that we should follow the principle laid down in the said decision, after going through the said decision, we find that in the said case the Supreme Court came to the conclusion that there was deliberate false statement made in the said application for condonation of delay. In the case before us, we have already indicated that due to communication gap wrong statement was made in the original applications, which has been subsequently explained by way of supplementary affidavit. We are, therefore, not prepared to treat the same as a case of "deliberate false statement" and thus, the principle laid down in the case of Oriental Aroma Chemical Industries Ltd. (supra) has no application to the facts of the present case."

We have heard learned counsel for the parties and perused the record.

By separate detailed orders passed today in the appeals arising out of SLP(C)No.9772/2012 and SLP(C)Nos. 10819-10820/2012 we have set aside the orders passed by the High Court, which are identical to the order under challenge.

For the detailed reasons recorded in the orders passed in those appeals, which shall be read as part of this order, the appeals are allowed and the impugned order is set aside. As a sequel to this, the appeal filed by the respondents under Section 54 of the Act is dismissed as barred by time.

With a view to ensure that the appellants are not fleeced by middlemen, we issue the following directions:

- i) The appellants shall furnish their bank account numbers to respondent Nos. 1 and 2 within a period of six weeks.
- ii) Within next 2-1/2 months, the concerned authority shall deposit the amount of compensation, etc., in the bank account of the appellants.

.....J.  
[G.S. SINGHVI]

NEW DELHI;  
OCTOBER 17, 2013.

.....J.  
[C. NAGAPPAN]

ITEM NO.38

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10895-10898/2012

(From the judgement and order dated 10/01/2012 in FA No.1872/2011,CA No.8163/2011 to FA No.1875/2011, CA No.8166/2011 of the HIGH COURT OF GUJARAT AT AHMEDABAD)

Ishverbhai Becharbhai Patel and others ..Appellants

versus

General Manager, O.N.G.C. and another ..Respondents

Date: 17/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Sunil Gupta, Sr. Adv.  
Mr. Jatin Zaveri, Adv.  
Mr. Neel Kamal Mishra, Adv.

For Respondent(s) Mr. Siddharth Luthra, ASG  
Mr. Ashish Kumar, Adv.  
Ms. Supriya Juneja, Adv.  
Mr. G.S. Bedi, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

| (Parveen Kr.Chawla)  
| Court Master

| | (Phoolan Wati Arora)  
| | Court Master

(signed order is placed on the file)