

# SUPREME COURT OF INDIA

Nimna Dudhna Project

Vs.

State of Maharashtra

C.A.No.246-255 of 2020

(Ashok Bhushan and M.R.Shah,JJ.,)

15.01.2020

## JUDGMENT

**M.R.Shah,J.,**

1. Feeling aggrieved and dissatisfied with the impugned common judgment and order dated 17.07.2017 passed by the High Court of Judicature at Bombay, Bench at Aurangabad in First Appeal Nos. 4083-4092 of 2016 whereby the High Court has partly allowed the said first appeals preferred by the original claimants and has enhanced the amount of compensation for the lands acquired, the acquiring body - The Executive Engineer, Nimna Dudhna Project has preferred the present appeals.

2. Learned Advocate appearing on behalf of the appellant has vehemently submitted that as such there was a delay of five and a half years in preferring the first appeals. It is submitted that assuming that the High Court is justified in enhancing the amount of compensation at par with the other land owners/claimants, as there was a huge delay of five and a half years, the High Court ought not to have saddled the interest liability for the period of delay upon the appellants. It is submitted that for the delayed period the claimants shall also not be entitled to any statutory benefits.

2.1 It is submitted by the learned Advocate that as such there was a huge delay of five and a half years and therefore as such the same was not required to be condoned by the High Court. It is submitted that in any case the High Court is not justified in granting the statutory benefits and the interest on the enhanced amount of compensation for the period of delay. In support of his above submission, learned counsel appearing on behalf of the appellant has heavily relied upon the decisions of this Court in the cases of *Market Committee, Hodal v. Krishan Murari*<sup>1</sup>, *Collector (LA) v. Katiji*<sup>2</sup>,; *Dhiraj Singh (D) through LRs v. State of Haryana*<sup>3</sup>; and *K. Subbarayudu v. Special Deputy Collector (LA)*<sup>4</sup>,.

3. While opposing the present appeals, learned Advocate appearing on behalf of the respondents/original claimants has vehemently submitted that as such the original

claimants claimed the parity in compensation with other land owners. It is submitted that at the time when the High Court condoned the delay, the same was not conditional, namely, to deny the statutory benefits and the interest for the interregnum period - delayed period. It is submitted that the order condoning the delay had attained finality and therefore subsequently it is not open for the appellant to submit that the High Court ought not to have awarded the statutory benefits and the interest for the delayed period.

3.1 It is further submitted by the learned Advocate appearing on behalf of the respondents/original claimants that even otherwise as per the settled proposition of law, all claimants/land owners are entitled to the same compensation for the land acquired for the same project vide the same notification.

3.2 Making the above submissions, it is prayed to dismiss the present appeals.

4. We have heard the learned counsel for the respective parties at length. At the outset, it is required to be noted that the dispute in the present appeals is only with respect to award of statutory benefits and interest for the delayed period. It is not in dispute that there was a huge delay of five and a half years in preferring the appeals before the High Court challenging the judgment and award passed by the Reference Court. However, considering the fact that in other matters the delay was condoned, the High Court condoned the delay and entertained the appeals and enhanced the amount of compensation at par with other land owners/claimants whose lands were acquired for the same project vide the same notification. Therefore, as such, no fault can be found with the order passed by the High Court condoning the delay. It is required to be noted that as such the order condoning the delay has attained finality as the same was not challenged by the appellant at the relevant time. Be that as it may, the issue which is required to be considered is, whether for the delayed period the claimants shall be entitled to the statutory benefits and the interest under the Land Acquisition Act?

4.1 The aforesaid issue is not res integra. In the case of Dhiraj Singh (supra), while condoning the delay in preferring the appeal before this Court, while enhancing the amount of compensation at par with other similarly situated land owners, this Court has denied the interest on the enhanced amount of compensation for the period of delay in approaching the High Court by way of LPAs. Similar view is expressed by this Court in the case of K Subbarayudu (supra) and while condoning the delay in preferring the appeal, this Court has denied the interest for the period of delay. Merely because at the time of condoning the delay no such condition was imposed that the claimants shall not be entitled to the interest on the enhanced amount of compensation for the period of delay, the appellant who is otherwise a public body cannot be saddled with the liability to pay the interest for the period of delay, which is not at all attributed to them. Under the circumstances, the common impugned judgment and order passed by the High Court awarding the interest on the enhanced amount of compensation for the period of delay in preferring the appeals deserve to be quashed and set aside and the impugned common judgment and order passed by the High Court is required to be modified to the aforesaid extent.

4.2 In view of the above and for the reasons stated above, all these appeals are allowed in part. The common impugned judgment and order passed by the High Court is modified to the extent denying the interest to the respondents/original claimants on the enhanced amount of compensation for the period of delay in preferring the appeals. Rest of the judgment and award passed by the High Court is confirmed. No costs.

Judgment Referred.

<sup>1</sup>(1996) 1 SCC 0311

<sup>2</sup>(1987) 2 SCC 0107

<sup>3</sup>(2014) 14 SCC 0127

<sup>4</sup>(2017) 12 SCC 0840