



2026:CGHC:15695-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FAM No. 45 of 2025

Reserved on 24/03/2026

Pronounced on 07/04/2026

1 - State Of Chhattisgarh Through- The Collector, Korba, District- Korba, C.G.

2 - The Land Acquisition Officer Cum Sub Divisional Officer (Revenue) Podiuproda, District- Korba, C.G.

3 - The Executive Engineer, Water Resources Division, Korba, District- Korba, C.G.

..... Appellants

versus

1 - Rajendra S/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District- Korba, C.G.

2 - Ganeshi Bai D/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District- Korba, C.G.

3 - Tijmati D/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District- Korba, C.G.

4 - Rajni D/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District- Korba, C.G.

5 - Ranjita D/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District-Korba, C.G.

6 - Rajkumari D/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District- Korba, C.G.

7 - Rajeshwari D/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District- Korba, C.G.

8 - Radhika W/o Baishakhu R/o Village Jurali, Tahsil Pondiuproda, District-Korba, C.G.

--- Respondents

For Appellants/State : Mr. Dilman Rati Minj, Dy. A.G.

For Respondents : Mr. Sunil Otvani, Sr. Advocate appears
alongwith Mr. Vikas Pandey, Advocate and Mr.
Amit Soni, Advocate

**D.B:-Hon'ble Shri Justice Sanjay S. Agrawal &
Hon'ble Shri Justice Amitendra Kishore Prasad**

CAV ORDER

Per: Sanjay S. Agrawal, J.

1. Heard on I.A. No.02/2025 and I.A. No.03/2025, applications seeking condonation of delay of 616 days' in preferring of this appeal.
2. Learned counsel appearing for the appellants/State submits that the order impugned passed on 22/12/2023 by the Land Acquisition and Rehabilitation and Resettlement Authority (hereinafter referred to as "Authority") constituted under Section 51

of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act, 2013”), was forwarded by the Government Advocate appearing before the said Authority to the Executive Engineer, Water Resources Department, Division- Korba (C.G.), who in turn, has sought for an opinion from him on 02/02/2024 and in response to it, the said Government Advocate vide letter dated 14/02/2024 has opined for assailing the same. It is contended further that in the meantime, an opinion was also sought from the Office of Advocate General on 08/02/2024, where, an opinion was given vide letter dated 19/03/2024 for challenging the same. Further of his contention is that, on 09/07/2024, a permission was sought by the Water Resources Department from the Department of Law and Legislative Affairs for filing an appeal against the said impugned order, where, permission was accorded on 19/11/2024 and, in pursuance thereof, the Officer-in-Charge, appointed on 10/05/2024 has contacted the Officer of the Office of Advocate General on 20/11/2024. It is contended further that the said Officer-in-Charge was directed to bring all the necessary and relevant documents, as well as, the certified copy of the order impugned and, in pursuance to the said direction, he contacted the said office and supplied the relevant documents and, based upon which, an appeal, being F.A. (M) No.01/2025, was filed without any further delay. It is contended further that, since there was some default(s) in preferring the same, therefore, after its withdrawal on 14/11/2025, the instant appeal has been preferred. While furnishing these materials, it is contended that

the alleged delay in preferring this appeal has been occurred bonafidely and may be condoned in order to provide substantial justice to the parties.

3. In response to the aforesaid contention, it is contended by the counsel appearing for the respondents that, after passing of the order impugned, the Land Acquisition Officer vide its letter dated 24/01/2024, had directed the Executive Engineer, Water Resources Department to deposit the amount of compensation, but the same was not deposited even though the direction was issued by this Court vide order dated 01/08/2024 in WP(C) No.3906/2024. It is contended further that the Contempt Case (C) No.3906/2024 was, therefore, filed where a notice was directed to be issued on 10/12/2024, however, in order to get rid of it, the State Authorities have filed the appeal on 09/12/2024, registered as FA(M) No.01/2025, which shows the lack of bonafide on part of the appellants/State Authorities. It is contended further that since the appeal was filed on 09/12/2024, therefore, the said Contempt Petition was disposed of vide order dated 21/01/2025 (Annexure R/2). It is contended further that the order impugned was passed on 22/12/2023, where as the opinion was sought from the Government Pleader only, on 02/02/2024 and, no explanation was given why it was not obtained immediately thereafter and, contended further that, though the legal opinion was given on 19/03/2024 by the Office of Advocate General to this effect, but the Officer-in-Charge was appointed only on 10/05/2024 and, no explanation to this effect has also been offered, and permission for filing an appeal was sought

again from the Law Department on 09/07/2024, i.e. after passing of a considerable period of two months and, despite the permission was accorded by the said Department on 19/11/2024, the appeal was filed earlier on 09/12/2024 with default(s) and after its withdrawal on 14/11/2025, the instant appeal has been preferred on 04/12/2025 with a delay of 616 days' without offering any proper explanation. Therefore, the application as filed in absence of offering proper explanation of the huge delays deserves to be rejected.

4. From perusal of the record, it appears that the land owned by the respondents situated at Village-Jurali, Tahsil- Pondiuproda of District- Korba (C.G.) was acquired by the State Authorities for the construction of Canal as per the award, dated 06/02/2019 passed by the Land Acquisition Officer in Land Acquisition Case No.04/A-82/2014-15. Since, the amount of compensation was inadequate, a Reference Petition under Section 64 of the Act, 2013 was made before the Authority constituted under Section 51 of the Act, 2013, who in turn has allowed the same vide its order impugned, dated 22/12/2023 passed in Reference Case No.50/2022 "Rajendra Kumar and Others v. State of C.G. and Others" enhancing the amount of compensation payable to the respondents by the State Authorities.

5. Being aggrieved with the aforesaid order impugned passed by the Authority, the instant appeal has been preferred by the State Government on 04/12/2025 under Section 74 of the Act, 2013, along with the said applications for condonation of delay in preferring the

same while mentioning the reasons as contended herein-above by the counsel appearing for the appellants in precedent paragraph.

6. It is, however, to be seen that, after passing of more than three months from the date of the opinion given by the Office of Advocate General on 19/03/2024, the Department of Water Resources vide its letter dated 09/07/2024 sought an opinion again from the Department of Law and Legislative Affairs, where sanction to prefer an appeal was accorded on 19/11/2024 and, an appeal, being FA(M) No.01/2025, was initially filed on 09/12/2024 under Section 74 of the Act, 2013 with a delay of 292 days'. The said appeal was listed in default(s) on 08/01/2025, but the same was not cured and instate, the appeal so preferred, was withdrawn on 14/11/2025 without offering any explanation as to why the default(s) was not cured for such a considerable time, commencing with effect from 08/01/2025 up to 14/11/2025. No explanation, whatsoever has, infact, been assigned from the date of filing of earlier appeal to the date of its withdrawal and, instate, the instant appeal has been preferred with a huge delay of 616 days'.

7. Pertinently to be noted here further that, the Land Acquisition Officer after passing the order impugned has directed the Executive Engineer, Water Resources Department vide its letter dated 24/01/2024 to deposit the enhanced amount of compensation payable to the respondents, however, the same was not deposited and, when it was not deposited, a petition, being WP(C) No.3906/2024, was filed by the respondents seeking an appropriate

directions to this effect. In the said petition, three months time was granted to the appellants/State Authorities to deposit the same while disposing the said petition, as revealed from the order dated 01/08/2024 (Annexure R/1) passed by this Court. It is to be seen further that, though three months time was granted to deposit the enhanced amount of compensation, but the same was not deposited which led to filing of a Contempt Petition, being Contempt Case (C) No.1433/2024, where a notice was directed to be issued on 10/12/2024. However, in order to get rid of it, the said sanctioned appears to have been obtained on 19/11/2024 and, based upon which, the earlier appeal, being FA(M) No.01/2025, was preferred on 09/12/2024 and, the appellants/State Authorities have succeeded to get rid of the said contempt proceedings, as owing to filing of the said appeal, the said Contempt Petition was disposed of vide order dated 21/01/2025 (Annexure R/2) with the directions, made at para 7, as under:-

“7. Having considered aforesaid contentions of learned counsel for both the parties, though it is found that the order under contempt has not been complied with by respondents well within a time, but by filing FA No.2/2025 against the order dated 22.12.2023 passed by the Tribunal, they have taken recourse to law, as such, no case of contempt is made out at this stage.”

8. Be that as it may, the appeal, being FA(M) No.01/2025, so preferred, was delayed by 292 days' and was listed in default(s) on 08/01/2025. But, instead of removing the default(s), it was

withdrawn, much after that, i.e. only on 14/11/2025 though, sufficient time for more than ten months', was available to cure the same.

9. What is, therefore, reflected from the above facts that, despite the legal opinion given by the Office of Advocate General on 19/03/2024 for assailing the order impugned, no sanction was obtained immediately thereafter, i.e. within the prescribed period of limitation of 60 days' as provided under Section 74 of the Act, 2013 and, instate much after passing of a considerable period of more than three and half months, a letter dated 09/07/2024 was written by the Office of Water Resources Department to the Department of Law and Legislative Affairs seeking sanctioned for preferring an appeal and, even upon the sanction was accorded by the said Department on 19/11/2024, the appeal, being FA(M) No.01/2025 was preferred only on 09/12/2024 and, that too with an ulterior motive to get rid of the said contempt proceedings, with a delay of 292 days', and despite of its listing in default(s) on 08/01/2025, it was not cured and withdrawn on 14/11/2025 and thereafter, the instant appeal has been preferred on 04/12/2025.

10. It is, however, the settled legal position that, where the case has been presented in the court beyond limitation, it is, then required to be explained with proper reasons as to why, it was not preferred in time and, unless and until the sufficient reasons are assigned, the same cannot be condoned.

11. At this juncture, the principles laid down by Hon'ble the Supreme Court in the matter of "***State of Madhya Pradesh v.***

Ramkumar Choudhary” reported in ***2024 SCC Online SC 3612***, as relied upon by the counsel appearing for the respondents, is to be seen, wherein at paragraphs 5, 5.1 and 7, it has been held as under:-

“5.The legal position is that where a case has been presented in the Court beyond limitation, the petitioner has to explain the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the Court within limitation. In Majji Sannemma v. Reddy Sridevi, reported in SCC Online SC 1260, it was held by this Court that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision of this Court in Ajay Dabra v. Pyare Rams, reported in 2023 SCC Online SC 92, wherein, it was held as follows:

"13. This Court in the case of Basawaraj v. Special Land Acquisition Officer [(2013) 14 SCC 81] while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to

approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present appellant."

Thus, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party.

5.1. In *Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir (2024 SCC Online SC 489)*, wherein, one of us (J.B. Pardiwala, J) was a member, after referring to various decisions on the issue, it was in unequivocal terms observed by this Court that delay should not be excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party. The relevant passage of the same is profitably extracted below:

"24. In the aforesaid circumstances, we made it very clear that we are not going to look into the merits of the matter as long as we are not convinced that sufficient cause has been made out for condonation of such a long and inordinate delay.

25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the

rigmarole of the legal proceedings.

26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the

respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

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34. In view of the aforesaid, we have reached to the conclusion that the High Court committed no error much less any error of law in passing the impugned order. Even otherwise, the High Court was exercising its supervisory jurisdiction under Article 227 of the Constitution of India.

35. In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case.

36. For all the foregoing reasons, this appeal fails and is hereby dismissed. There shall be no order as to costs."

Applying the above legal proposition to the facts of the present case, we are of the opinion that the High Court correctly refused to condone the delay and dismissed the appeal by observing that such inordinate delay was not explained satisfactorily, no sufficient cause was shown for the same, and no plausible reason was put forth by the

State. Therefore, we are inclined to reject this petition at the threshold.

7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See: *Ajit Singh Thakur Singh v. State*

of Gujarat, (1981) 1 SCC 495: AIR 1981 SC 733).”

12. Considering the facts and circumstances of the case, as observed herein-above, in the light of the principles laid down by the Supreme Court in the above referred matter, the explanation so offered for the delay of 616 days’ in preferring of this appeal cannot be held to be a sufficient one and, rather appears to have been made with malafide intention. The applications are, thus, liable to be and are hereby rejected with costs of Rs.15,000/- (Fifteen Thousand Only), payable by the appellants/State to each of the respondents within a period of 60 days’ from today, failing which, the same shall carry interest @ 6% per annum from the date of passing of this order till its realization and, the appellants/State may recover the same from its erring officers. Consequently, the appeal is dismissed.

Sd/-

(Sanjay S. Agrawal)

JUDGE

Sd/-

(Amitendra Kishore Prasad)

JUDGE