2026:AHC-LKO:68827

HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW

MATTER UNDER ARTICLE 227 No. - 143 of 2026

Lucknow Development Authority through Secretary Lucknow .....Petitioners(s)

Versus

Ramrati .....Respondents(s)

Along with :

1. **Matters Under Article 227 No. 7312 of 2025:**
4Th Battalion Sashastra Seema Bal Thru. Commandant Hari Prakash
Versus
State of U.P. Thru. Dist. Magistrate/Collector Lko. and 3 others

2. **Matters Under Article 227 No. 1064 of 2026:**
U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer Lko.
Versus
State of U.P. Thru. its Distt. Magistrate/ Collector Lko. and 3 others

3. **Matters Under Article 227 No. 1068 of 2026:**
U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer Lko.
Versus
State of U.P. Thru. its Distt. Magistrate/ Collector Lko. and 3 others

4. **Matters Under Article 227 No. 1069 of 2026:**
U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer Lko.
Versus
State of U.P. Thru. its Distt. Magistrate/ Collector Lko. and 3 others

5. **Matters Under Article 227 No. 1070 of 2026:**
U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer
Versus
State of U.P. Thru. its Distt. Magistrate/ Collector Lko. and 3 others

6. **Matters Under Article 227 No. 2242 of 2026:**
U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer Lko.
Versus
State of U.P. Thru. its Distt. Magistrate / Collector Sultanpur and 4 others

7. **Matters Under Article 227 No. 2282 of 2026:**
Sashastra Seema Bal Thru. its Commandant 4Th Battalion

Versus
State of U.P. Thru. Distt. Magistrate .Collector Lko. and others

8. **Matters Under Article 227 No. 2286 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate/Collector Lko. and 4 others

9. **Matters Under Article 227 No. 2287 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate Collector Lko. and 3 others

10. **Matters Under Article 227 No. 2288 of 2026:**
Sashastra Seema Bal Thru. its Commandant 4Th Battalian Lko.
Versus
State of U.P. Thru. District Magistrate / Collector Lko. and 5 others

11. **Matters Under Article 227 No. 2301 of 2026:**
Sashastra Seema Bal Thru. its Commandant
Versus
State of U.P. Thru. its Dis. Magistrate Collector Lko. and 3 others

12. **Matters Under Article 227 No. 2302 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate/Collector Lko. and 4 others

13. **Matters Under Article 227 No. 2304 of 2026:**
Sashastra Seema Bal Thru. 4Th Battalion Office Lko.
Versus
State of U.P. Thru. its Distt. Magistrate/ Collector Lko. and 3 others

14. **Matters Under Article 227 No. 2306 of 2026:**
Sashastra Seema Bal Thru. Commandant Lko.
Versus
State of U.P. Thru. District Magistrate/ Collector and Ors.

15. **Matters Under Article 227 No. 2307 of 2026:**
Sashastra Seema Bal Thru.its Commandant 4Th Battalion, Lko
Versus
State of U.P. Thru. Distt. Magistrate / Collector Lko. and 4 others

16. **Matters Under Article 227 No. 2308 of 2026:**
Sashastra Seema Bal Thru.Commandant,4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate / Collector Lko. and 4 others

17. **Matters Under Article 227 No. 2309 of 2026:**
Sashastra Seema Bal Thru. its Commandant 4Th Battalion, Lko.
Versus
State of U.P. Thru. Distt. Magistrate /Collector Lko. and 5 others

18. **Matters Under Article 227 No. 2310 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate /Collector Lko. and 3 others

19. **Matters Under Article 227 No. 2311 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate /Collector Lko. and 4 others

20. **Matters Under Article 227 No. 2312 of 2026:**
Sashastra Seema Bal, Thru. its Commandant 4Th Battalion, Lko.
Versus
State of U.P. Thru. District Magistrate/Collector Lko. and 4 others

21. **Matters Under Article 227 No. 2313 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. District Magistrate/Collector Lko. and 3 others

22. **Matters Under Article 227 No. 2314 of 2026:**
Sashastra Seema Bal Thru.Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate / Collector Lko. and others

23. **Matters Under Article 227 No. 2315 of 2026:**
Sashastra Seema Bal Thru. its Commandant 4Th Battalion, Lko.
Versus
State of U.P. Thru. District Magistrate/Collector Lucknow and 4 others

24. **Matters Under Article 227 No. 2317 of 2026:**
Sashatra Seema Bal, Thru. its Commandant, Lko.
Versus
State of U.P. Thru. Distt. Mmagistrate / Collector Lko. and 4 others

25. **Matters Under Article 227 No. 2318 of 2026:**
Sashastra Seema Bal Thru. its Commandant
Versus
State of U.P. Thru. Distt. Magistrate Lko. and 3 others

26. **Matters Under Article 227 No. 2319 of 2026:**
Sashastra Seema Bal Thru. Commandant Lko.
Versus
State of U.P. Thru. Distt. Magistrate / Collector Lko. and 4 others

27. **Matters Under Article 227 No. 2320 of 2026:**
Sashastra Seema Bal Thru.Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate / Collector Lko. and others

28. **Matters Under Article 227 No. 2321 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate /Collector Lko. and 10 others

29. **Matters Under Article 227 No. 2325 of 2026:**
Sashastra Seema Bal Thru.Commandant 4Th Battalion
Versus
State of U.P. Thru. Distt. Magistrate / Collector Lko. and others

30. **Matters Under Article 227 No. 2326 of 2026:**
Sashastra Seema Bal Thru.Commandant,4Th Battalion Lko.

Versus
State of U.P. Thru. its Distt. Magistrate/ Collector Lko. and 5 others

31. **Matters Under Article 227 No. 2327 of 2026:**
Sashastra Seema Bal Thru.Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate / Collector Lko. and 3 others

32. **Matters Under Article 227 No. 2328 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. District Magistrate/Collector Lko. and 5 others

33. **Matters Under Article 227 No. 2329 of 2026:**
Sashastra Seema Bal Thru. its Commandant
Versus
State of U.P. Thru. its Distt. Magistrate Collector Lko. and 3 others

34. **Matters Under Article 227 No. 2330 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. District Magistrate/Collector Lko. and 4 others

35. **Matters Under Article 227 No. 2331 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. District Magistrate/Collector Lko. and 4 others

36. **Matters Under Article 227 No. 2348 of 2026:**
Sashastra Seema Bal Thru. its Commandant Lko
Versus
State of U.P. Thru. its Distt. Magistrate Collector Lko. and 6 others

37. **Matters Under Article 227 No. 2349 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion
Versus
State of U.P. Thru. its Distt. Magistrate/ Collector Lko. and 3 others

38. **Matters Under Article 227 No. 2350 of 2026:**
Sashastra Seema Bal Thru. Commandant 4Th Battalion Lko.
Versus
State of U.P. Thru. Distt. Magistrate /Collector Lko. and others

39. **Matters Under Article 227 No. 2354 of 2026:**
Sukhram
Versus
State of U.P. Thru. Collector Distt. Lko. and another

40. **Matters Under Article 227 No. 2381 of 2026:**
Vijay Kumar
Versus
State of U.P. Thru. Collector Distt. Lko. and another

41. **Matters Under Article 227 No. 2399 of 2026:**
Gurudayal
Versus
State of U.P. Thru. Collector Distt. Lko. and another

42.	**Matters Under Article 227 No. 3648 of 2026:** U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer Lko. Versus State of U.P. Thru . District Magistrate / Collector Lko. and 5 others
43.	**Matters Under Article 227 No. 3654 of 2026:** U.P.Expressway Industrial Development Authority Thru. Chief Executive Officer, Lucknow Versus State of U.P. Thru. District Magistrate / Collector, Lko and 5 others
44.	**Matters Under Article 227 No. 3657 of 2026:** U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer, Lucknow Versus State of U.P. Thru. its District Magistrate/ Collector Lko. and 6 others

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Counsel for Petitioners(s)	:	Abhineet Jaiswal, Bhanu Bajpai, Paavan Awasthi, Vijay Kumar Srivastava
Counsel for Respondents(s)	:	ASGI, CSC, Amit Jaiswal, Amrita Yadav, Ankit Verma, Harsh Vardhan Singh, Kshemendra Shukla, Mustafa Ahmad Khan, Prabhat Kumar, Ram Dheeraj, Rani Singh, Vijay Kumar Srivastava

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A.F.R.
RESERVED ON : 30.07.2026
DELIVERED ON : 28.09.2026

Court No. - 8

HON'BLE JASPREET SINGH, J.

A. <u>EXORDIUM:-</u>

1. In this batch of petitions, a seminal question of public importance has been raised, calling in question the power of the Land Acquisition, Rehabilitation and Resettlement Authority (hereinafter referred to as 'LARRA') constituted under the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as 'the Act of 2013') to execute its own award.

2. In effect, there are 45 petitions in this batch, out of which, 33 petitions have been filed by the 4th Battalion of Sashastra Seema Bal, which is Central Armed Police Force under the Ministry of Home Affairs, Government of India entrusted with guarding Nepal-Bhutan Boarder (hereinafter referred to as 'SSB'). Then there are 8 petitions filed by Uttar Pradesh Expressways Industrial Development Authority (hereinafter referred to as 'UPEIDA'), one petition has been filed by the Lucknow Development Authority (hereinafter referred to as 'LDA') and 3 petitions have been filed by Land Owners, who are seeking expedition of their execution cases pending before LARRA.

3. Significantly, the land owners, who have filed the petition for expedition of their execution cases, are amongst the parties in the 3 petitions filed by SSB, wherein the validity of the orders passed by the

LARRA as an Executing Court itself are under challenge. It is in this backdrop that all the petitions were bunched together and heard at length.

B. FACTUAL MATRIX:-

Petitions Filed By SSB:-

4. In the batch of petitions filed by the SSB, a total land measuring 14.988 hectares, situate in Villages Bendowa and Jagroli, Tehsil Mohanlalganj, District Lucknow was acquired for the establishment Frontier Headquarters and a Reserved Battalion of SSB. The Additional District Magistrate (Sharda Sahayak Pariyojna), Lucknow made an award on 07.09.2015 for a total sum of Rs.38,89,90,526/- in respect of the land so acquired.

5. 38 reference petitions were filed by different land owners, whose land was acquired for the aforesaid Scheme, seeking enhancement of the award under Section 64 of the Act of 2013. One of such reference filed by one of the land owner, namely, Bishambhar, registered as Misc. Case No.9/2022, was allowed by LARRA vide its award dated 12.01.2024, and it held the land owner to be entitled to enhanced compensation. LARRA not only enhanced the market value, but it also held that the land owner was entitled to an additional amount at 12% for the period 04.11.2010 to 25.03.2014, 100% solatium on the compensation amount and interest @ 9% per annum for one year from 25.03.2014 and thereafter @ 15% per annum until the payment was made.

6. The said award made by LARRA was challenged by SSB under Section 74 of the Act of 2013. However, the said appeal was delayed and

was accompanied by an application seeking condonation of delay. The application for condonation of delay was dismissed by the High Court. Consequently, the appeal also met the same fate vide judgment and order dated 03.12.2025.

7. The land owner instituted an execution case bearing Case No.16/2024 before the LARRA itself, seeking execution of the award dated 12.01.2024. During the course of execution proceedings before LARRA, several orders were passed relating to recovery of the awarded sum including certain orders which were coercive in nature, such as directing the awarded amount to be recovered as arrears of land revenue. In one of the orders, LARRA issued notice to the officials of SSB to show cause as to why they may not be subjected to civil imprisonment and they were also directed to furnish the details of the bank accounts for the purposes of attachment.

8. The SSB is said to have paid compensation for a sum of Rs.58.00 crores and odd between 2011 to 2016 and it has sought financial sanction for the payment of the remaining amount which is to be forwarded through the Force Headquarters to the Ministry of Home Affairs, which has not yet materialized and in this given backdrop, the SSB challenged the jurisdiction of LARRA to execute its award in petition under Article 227 of the Constitution of India bearing Petition No.7312 of 2025 which arises from the execution Case No.16/2024 (Bishambhar v. State), wherein a Coordinate Bench of this Court while entertaining the petition vide its order dated 07.01.2026 had stayed the execution proceedings before LARRA.

9. Thereafter, SSB filed several other petitions seeking stay of the several execution proceedings pending before LARRA arising out of the awards made by it as per details mentioned hereinafter:-

S.No.	Particulars of Petition
1.	Writ Petition No.7312 of 2025 (A-227)
2.	Writ Petition No.2282 of 2026 (A-227)
3.	Writ Petition No.2286 of 2026 (A-227)
4.	Writ Petition No.2287 of 2026 (A-227)
5.	Writ Petition No.2288 of 2026 (A-227)
6.	Writ Petition No.2301 of 2026 (A-227)
7.	Writ Petition No.2302 of 2026 (A-227)
8.	Writ Petition No.2304 of 2026 (A-227)
9.	Writ Petition No.2306 of 2026 (A-227)
10.	Writ Petition No.2307 of 2026 (A-227)
11.	Writ Petition No.2308 of 2026 (A-227)
12.	Writ Petition No.2309 of 2026 (A-227)
13.	Writ Petition No.2310 of 2026 (A-227)
14.	Writ Petition No.2311 of 2026 (A-227)
15.	Writ Petition No.2312 of 2026 (A-227)
16.	Writ Petition No.2313 of 2026 (A-227)
17.	Writ Petition No.2314 of 2026 (A-227)
18.	Writ Petition No.2315 of 2026 (A-227)
19.	Writ Petition No.2317 of 2026 (A-227)
20.	Writ Petition No.2318 of 2026 (A-227)
21.	Writ Petition No.2319 of 2026 (A-227)
22.	Writ Petition No.2320 of 2026 (A-227)
23.	Writ Petition No.2321 of 2026 (A-227)
24.	Writ Petition No.2325 of 2026 (A-227)
25.	Writ Petition No.2326 of 2026 (A-227)
26.	Writ Petition No.2327 of 2026 (A-227)
27.	Writ Petition No.2328 of 2026 (A-227)
28.	Writ Petition No.2329 of 2026 (A-227)
29.	Writ Petition No.2330 of 2026 (A-227)
30.	Writ Petition No.2331 of 2026 (A-227)
31.	Writ Petition No.2348 of 2026 (A-227)
32.	Writ Petition No.2349 of 2026 (A-227)
33.	Writ Petition No.2350 of 2026 (A-227)

Petitions Filed By UPEIDA:-

10. A batch of 8 petitions were filed by UPEIDA challenging the authority of LARRA for executing its own award. UPEIDA was set up by the Government of Uttar Pradesh under the Uttar Pradesh Industrial Area Development Authority Act, 1976 for the development of Expressways in the State of U.P. The petitions filed by UPEIDA arise from the acquisition of land for the purposes of constructions and development of Purvanchal Expressway from Lucknow to Ghazipur. The present batch of petitions, filed by UPEIDA, relates to acquisition made in Village Shivlar, Pargana and Tehsil Mohanlalganj, District Lucknow under the Act of 2013.

11. The Collector, under the Act of 2013, made an award on 05.03.2020 for a total sum of Rs.1,40,42,530/-. The land owners not being satisfied with the awarded sum filed their references, under Section 64 of the Act of 2013, which were allowed by the LARRA on 04.04.2024. The UPEIDA preferred a review application along with an application seeking condonation of delay. However, the application seeking condonation of delay in filing the review application was rejected. As a consequence, the review petitions also met the same fate.

12. Thereafter, the land owner, namely, Shri Mahesh Sahu, filed Execution Case No.45/2024, wherein LARRA passed a series of orders requiring the UPEIDA to deposit the amount in execution proceedings. It also required the authority to disclose the details of their bank accounts for the purposes of attachment. UPEIDA also relied upon the order

passed by a Coordinate Bench of this Court dated 07.01.2026, passed in Writ Petition No.7312 of 2025 (A-227).

13. In this backdrop, UPEIDA filed all its petitions, which were also connected with the petition filed by SSB. The details of petitions, filed by UPEIDA are as under:-

S.No.	Particulars of Petitions
1.	Writ Petition No.1064 of 2025 (A-227)
2.	Writ Petition No.1068 of 2025 (A-227)
3.	Writ Petition No.1069 of 2025 (A-227)
4.	Writ Petition No.1070 of 2025 (A-227)
5.	Writ Petition No.2242 of 2025 (A-227)
6.	Writ Petition No.3648 of 2025 (A-227)
7.	Writ Petition No.3654 of 2025 (A-227)
8.	Writ Petition No.3657 of 2025 (A-227)

Petition filed by LDA:-

14. One solitary petition was filed by LDA. In the case of LDA v. Ramrati, land of Khasra No.1219/3, admeasuring 0.279 hectares, situated in Village Bargawan, Pargana Bijnor, Tehsil and District Lucknow was acquired and an award was made on 26.11.2014. The matter was referred to LARRA, which was registered as Reference Case No.81/2022. LARRA upon deciding the said reference, enhanced the market value from 3937.37 per sq. mtrs to Rs.10,000/- per sq. mtrs and further awarded interest @ 12% for the period 20.10.2011 to 26.11.2014 with 100% solatium on the awarded sum and further interest 9% per annum for a period of one year from the date of possession and thereafter interest @ 15% per annum until paid.

15. LDA challenged the award of LARRA in first appeal before the High Court along with an application seeking condonation of delay. In

the meantime, the land owner filed an Execution Case No.13/2024 before LARRA.

16. LDA preferred an application before the LARRA seeking rejection of the Execution Case for want of jurisdiction, but the said application did not find favour with LARRA, who rejected it on 19.12.2025 and this order is under challenge in the petition preferred by LDA.

17. In the meantime, the High Court, who was seized of the appeal, vide its order dated 06.04.2026 condoned the delay in filing the appeal and further directed the LDA to deposit a sum of Rs.31,19,27,007/-. LDA is said to have deposited the aforesaid sum and the proceedings before LARRA had been stayed. The appeal of the LDA has been allotted a regular number, which is under consideration of the Court dealing with appeals, on merits.

18. LDA in its petition before this Court also raised the issue of jurisdiction of LARRA to execute its own award.

<u>Petitions Filed By Land Owners:-</u>

19. There are three petitions filed by the land owners, wherein they seek expeditious disposal of their execution cases pending before LARRA as per details given hereinunder:-

S.No.	Particulars of Petitions
1.	Writ Petition No.2354 of 2026 (A-227)
2.	Writ Petition No.2381 of 2026 (A-227)
3.	Writ Petition No.2399 of 2026 (A-227)

20. As already noticed above, all the three land owners, who have filed petitions seeking expedition of execution proceedings are the ones

whose land was acquired and is the subject matter of petitions filed by SSB.

C. <u>ISSUE TO BE DECIDED:-</u>

21. Broadly, there are two competing propositions canvassed by the parties. The requiring body i.e. the SSB, UPEIDA and LDA contend that

(i) LARRA does not have the jurisdiction or authority under the Act of 2013 to execute its award.

(ii) Whereas, the affected land owners contend that considering the aims and object of the Act of 2013 and its Scheme it indicates that LARRA does have the authority to execute its award.

22. In case, if the contentions of the requiring body are upheld then as a necessary corollary no order of expedition can be passed in the three petitions preferred by the land owners. However, if it is held that LARRA does have the authority to execute its award then of course the Court would consider expediting the execution proceedings.

23. Since, the issue involved in all the petitions, as mentioned above, is common and relating to the powers and jurisdiction of LARRA to execute its own award, hence, the Court does not deem appropriate to consider the facts of each petition individually as there is no dispute on facts which requires adjudication. Hence, this Court is not entering into any factual controversy and is confining itself to the question raised in the instant bunch of petitions i.e. “**Whether LARRA has the power, authority and jurisdiction to execute its own award passed in reference proceedings**”.

D. <u>SUBMISSIONS ON BEHALF OF REQUIRING BODY</u>:-

<u>On Behalf of SSB</u>:-

24. Shri Paavan Awasthi, learned counsel appearing for the SSB in the bunch of petitions, led the arguments and structured his submissions as under:-

(i) **<u>LARRA is an Authority constituted under Section 51 of the Act of 2013 and not a Court:-</u>**

25. Shri Awasthi submits that LARRA has been constituted as an Authority under Section 51 of the Act of 2013 with well defined powers and jurisdiction conferred on it as deciphered from Section 60 of the Act of 2013 to exercise the powers of reference in terms of under Section 64 of the Act of 2013.

26. Section 53 of the Act of 2013 also indicates that a Presiding Officer of LARRA is not necessarily to be a District Judge / Judicial Officer and even a Legal Practitioner of not less than of 7 years of standing is qualified for appointment. This distinction is important to visualize that a Courts as envisaged under the Scheme of Constitution, have to be manned by Judicial Officers, who in exercise of their functions as a Court may have certain powers including inherent powers, which necessarily, cannot be said for an Authority constituted under a Special Act.

27. It was further submitted that a Coordinate Bench of this Court in **Smt. Gazala Begum v. Mohd. Musarraf and others : 2022 (12) ADJ 587** while considering an application under Section 24 CPC found that LARRA is not a Court subordinate to the High Court in terms of Section 24 CPC although it would be subordinate to the High Court in terms of

Article 227 of the Constitution of India. Thus, it was contended that if LARRA is not a Court then essential trappings of a Court cannot be imputed to such an authority and as a fortiori such an Authority must act within four corners of the jurisdiction conferred upon it as per the legislative scheme and no additional powers can imputed to be present with such an Authority.

28. It was also submitted that the contours of jurisdiction conferred upon LARRA can very well be discerned upon perusal of Section 51 of the Act of 2013. It was submitted that Section 51 of the Act of 2013 confers adjudicatory powers to LARRA relating to any dispute relating to land acquisition, compensation, rehabilitation and resettlement but it does not confer any powers to execute its order.

29. Shri Awasthi submitted that there is a distinction between adjudicatory and executory powers, which are both substantive in nature. It was contended that LARRA has been conferred only with the adjudicatory power and not executory. In such circumstances, it cannot either be inferred nor imputed by implication to mean that the adjudicatory body has been conferred with the power of execution.

30. It was submitted that it is exclusively for the legislature to confer jurisdiction on an Authority and it is too well settled to be disputed, that the jurisdiction cannot be conferred by consent, acquiescence or by participation by the parties nor a Superior Court can confer jurisdiction on an Authority when the legislature itself has not so provided or intended.

31. Accordingly, as per Shri Awasthi, there has to be express conferment of jurisdiction relating to execution upon LARRA either in the Act or such powers could have been conferred through framing of Rules. Nevertheless, powers of execution cannot be inferred nor it can be treated as part of inherent powers especially when the powers of LARRA has been enumerated in Section 60 of the Act of 2013 which, *inter alia*, does not include the inherent powers or power of execution.

32. Shri Awasthi further urged that there are gamut of special statutes, wherein the authority has specifically been conferred with the power of adjudication and specific powers have been conferred for executing its orders. It was urged that the Real Estate (Regulation and Development) Act, 2016 confers all sorts of powers on the Real Estate Regulatory Authority / the Real Estate Appellate Tribunal. Similarly, in terms of Section 25 of the National Green Tribunal Act, 2010, the Authority has been granted power to execute its orders. Even under the Telecom Regulatory Authority of India Act, 1997 (for short, 'the Act of 1997'), the Authority has been conferred with powers under Section 19 of the Act of 1997 to execute its orders.

33. In the same vein, he has also drawn attention of the Court to similar provisions, which confer powers to execute on the Authority constituted under the Electricity Act, 2003, Consumer Protection Act, 2019, Railway Claims Tribunal Act, 1987, Waqf Act, 1995, and even upon the Gram Nyayalyas constituted under the Gram Nyayalya Act, 2008.

34. Shri Awasthi also urged that there are certain Acts, where an award passed by an Authority has been elevated to a status of a deemed decree and such award passed by such an Authority is then executed by the Civil Court. In this context, a reference was made to Section 36 of the Arbitration and Conciliation Act, 1996 and to Sections 11(9) and (10) of the Industrial Disputes Act, 1947 and Section 68-A(4) of the U.P. State Universities Act, 1973.

35. It was further submitted that there are several State enactments such as U.P. Co-operative Societies Act, 1965, wherein alternate modes of execution have also been provided, which *inter-alia* includes execution through the Civil Courts, by making the said orders capable of execution by treating it to be a decree.

36. It was further contended that in contradistinction to the aforesaid Acts, then, there are certain other Acts, which confer only the power of adjudication, but not the power of execution. In this context, reference was made to Sections 21 and 22-E of the Legal Services Authorities Act, 1987 and it was submitted that the Act of 2013 falls under the said category, where the power of adjudication has been conferred on LARRA, but not the power to execute.

37. It was thus submitted that this omission or silence in the Act cannot be presumed to be a result of *casus omissus* rather it is part of the Legislative Scheme. In such circumstances, the power of execution cannot be read into an Act, which is conspicuously absent. Hence, the Act of 2013 clearly indicates that the Legislature did not contemplate conferring power of execution on the Authority and in absence of any

clear power, the actions of LARRA in executing its own orders, would be a case of exercise of jurisdiction not vested in law, resulting in the orders passed by it to be *void ab initio*.

(ii) **The bar of jurisdiction of the Civil Court under Section 63 of the Act of 2013 is limited and will not extend to execution proceedings:-**

38. Taking his submissions forward, Shri Awasthi urged that from a bare perusal of Section 63 of the Act of 2013, it would indicate that the bar mentioned therein is only in respect of such matters, which LARRA has been specifically designated to adjudicate in terms of Section 51 and Section 64 of the Act of 2013.

39. It was submitted that in terms of Section 63 of the Act of 2013, the powers of the Civil Court have been expressly barred only in respect of any dispute of land acquisition, in respect of which, the Collector or the Authority (referable to LARRA) under the Act of 2013 has been vested with power to adjudicate and its exercises as per law. Thus, any matter relating to land acquisition, compensation, rehabilitation, and resettlement, which falls exclusively within the domain of LARRA creates an absolute bar for the Civil Court to entertain any such matter which is covered by Section 51 and Section 64 of the Act of 2013. This operates as an express bar of jurisdiction. However, this bar does not extend to execution proceedings to be entertained by the Civil Court and this can be deciphered from the reading of Section 51 of the Act of 2013 in conjunction to Sections 63 and 64 of the Act, in a harmonious manner.

40. It was further submitted that there is a distinction between an award made by Collector and the award made by LARRA. Under the

Act of 2013, an award made by Collector, under Chapter IV in terms of Section 23 and Sections 26 to 30 of the Act of 2013, is merely a determination of compensation by applying the statutory parameters to ascertain the market value. Such an award of Collector is a determination made by the said Authority which, though is statutory in nature but in substance is more in the nature of an offer made to the land-owners and it is not a result of adjudicatory process on merits.

41. Whenever, the State acquires the land under the Act of 2013, Collector has been conferred with powers to determine the compensation, keeping in mind the market value and issues of rehabilitation and resettlement. Any person, who is aggrieved with the award of the Collector, can get a reference made to LARRA. In the Scheme of the Act of 2013, LARRA treats the litigation/reference made to it as adversarial proceeding, wherein the contesting parties have a right to seek determination relating to the measurement of land, amount of compensation, the person to whom it is payable, the rights of rehabilitation and resettlement, and/or the apportionment of the compensation between the persons interested.

42. The Act of 2013 does not make the award of Collector as final nor it is to be treated as a decree, whereas, the award made by LARRA has been elevated to a status of a deemed decree, meaning thereby, solemnity and finality is attached to it even though LARRA is an Authority and not a Court. Thus, its award is conferred with the status of a deemed decree, making it final and binding on the parties and capable of execution as a decree of a Court. This capability of the award being executed as a

decree of a Court does not imply or mean that LARRA itself would execute it, rather the award of LARRA is treated as decree of a Court and is executable by a Court which is capable, as per law, to execute a decree as per provisions of Order XXI CPC. The Executing Court would also consider the provisions of Section 47 CPC and this is an outcome of the deeming fiction mentioned in the Act of 2013 which must be given its full import. Hence, the award passed by LARRA is a final determination in respect of matters for which jurisdiction has been conferred on LARRA and its award cannot be made the subject matter of challenge before any other Authority or the Civil Court, but the said award has to be sent to the Civil Court for its execution and the Executing Court would execute the award of LARRA, as if it was a decree of the Court itself, with all powers available to the Executing Court in terms of Order XXI CPC.

43. Thus, the submission was that the Scheme of the Act of 2013 clearly demonstrates that LARRA, while exercising its powers of adjudication makes an award relating to matters as indicated in Sections 51 and 64 of the Act but it cannot execute its award and the said award would be executed by the Civil Court.

(iii) **The language of a statute is determinative and even if there is some hardship that cannot be a ground to rewrite the statute:-**

44. Shri Awasthi further submitted that the scheme of the Act of 2013 clearly indicates that there is no express provision or power conferred upon LARRA to execute its orders. In this regard, the language of the statute is determinative and it is not open for a Court to rewrite any provision or read something into the statute, when the Legislature itself

has consciously refrained from providing for it in the Act. This also restrains the Court from invoking the doctrine of *casus omissus*. If the Court does, it would amount to rewriting the statute, which is not a function of the Court.

45. It was further submitted that the Act of 2013 is beneficial in character, but the benevolence cannot be extended to read something into the Act, which is not contemplated or specifically provided by the framers of the Law.

46. The provisions of the Act of 2013 being beneficial in nature, can be construed liberally, but this liberal construction must be made only in respect of such powers, which have been conferred. This weapon of liberal construction cannot be used to read something in the Act, which has not been provided by the Legislature as doing so would amount to violating the spirit of the Act.

47. It was contended that the LARRA (Authority) having not been conferred with any specific power of execution, then such powers cannot be read in the Act by resorting to postulate of liberal construction. Thus, for all the aforesaid reasons, the proceedings of execution of its own award by LARRA are wholly without jurisdiction and all orders passed by LARRA for executing its award deserve to be set aside after allowing the petitions.

48. In support of his submissions, he has relied upon the following decisions **(i) M.P. Wakf Board v. Subhan Shah : (2006) 10 SCC 696; (ii) Dr. Jagmittar Sen Bhagat v. Director, Health Services, Haryana : (2013) 10 SCC 136; (iii) K.N. Govindan Kutty Menon v. C.D. Shaji :**

(2012) 2 SCC 51; (iv) Bhagyodaya Co-operative Bank Limited v. Ravindra Balkrishna Patel : (2022) 14 SCC 417; (v) Electrosteel Steels Limited v. Ispat Carrier Private Limited : (2025) 7 SCC 773; (vi) Rahul S. Shah v. Jinendra Kumar Gandhi : (2021) 6 SCC 418; (vii) Ghanshyam Dass Gupta v. Anand Kumar Sinha : (1991) 4 SCC 379; (viii) Union of India v. Deoki Nandan Aggarwal : (1992) Supp (1) SCC 323; (ix) Union of India v. V.R. Nanukuttan Nair : (2019) 19 SCC 690; (x) Maruti Udyog Ltd. v. Ram Lal : (2005) 2 SCC 638.

E. SUBMISSIONS ON BEHALF OF UPEIDA:-

49. Shri Abhineet Jaiswal, learned counsel appearing for UPEIDA, made submissions by highlighting the transition made from the Land Acquisition Act, 1894 to the Act of 2013. It was urged by Shri Jaiswal that under the Act of 1894, any person aggrieved by the award made by the Collector had the right to get it referred to a 'Court' in terms of Section 18 of the Act of 1894.

50. It was pointed out that under the Act of 1894, the word 'Court' was defined in Section 3(d) to mean the principal Civil Court of original jurisdiction. The Act of 1894 also borrowed the provisions of CPC for deciding the reference which also included the right to get the award made by the Reference Court executed as a decree of the Civil Court by employing the provisions of the CPC. Thus, once the entire CPC was applicable, the Court which dealt with the reference necessarily had the power to execute its own award. In this context, the Act of 2013 has a very different Scheme than the one provided in the Act of 1894.

51. Shri Jaiswal urged that under the Act of 2013, LARRA has been constituted not as a Court, but as an Authority and it has been conferred powers, as indicated in Section 60 of the Act of 2013. If the provisions as contained in Chapter VIII of the Act of 2013 are seen as a whole, the Scheme of the Act of 2013 would indicate that LARRA, as constituted in terms of Section 51 of the Act of 2013, has been created for adjudication of certain issues as mentioned in Sections 51 and 64 of the Act of 2013. The composition of the Authority, its qualification, is also quite limited and it is not as if it has been conferred with the powers as available to a Court, as understood in its traditional sense.

52. The submission was that if the Legislature intended the Authority, constituted under the Act of 2013, to be cloaked with the power of execution then either that power should have been conferred specifically in the Act or the Authority should have been provided with all such powers which are conferred on a Court and it should not have envisaged the creation of the Authority as a Tribunal, but should have created the Authority as an avatar of a Court.

53. It was also submitted that under the old Act of 1894, the Reference Court was a 'Court' with all powers under the CPC and it did not prevent the Legislature from conferring similar powers on the Authority while promulgating the Act of 2013. This leads to an inference that such powers of execution have been consciously abridged and omitted, hence, LARRA cannot execute its own award, in absence of any such power.

54. Shri Jaiswal also referred to certain extracts of the Parliamentary debates to emphasize that the Legislature has consciously used the word

'dispute' relating to land acquisition, compensation, rehabilitation and resettlement while enacting Section 51 of the Act of 2013 and it has consciously not used the word 'execution'. It was further submitted that the statutory Scheme as reflected from Section 51 to Section 80, which is part of Chapters VIII, IX and X of the Act of 2013, is indicative of the fact that the power so conferred on LARRA does not include the power of execution.

55. It was further urged that though the powers of the Civil Court have been barred only for a limited purpose and is in respect of such powers which have been expressly conferred upon LARRA. Accordingly, the power of execution which has not been conferred upon LARRA, makes the award of LARRA executable by the Civil Court.

56. Thus, the submission is that the entire Scheme indicates that the adjudicatory function is to be made by LARRA and for execution the award would be executed by the Civil Court and for this purpose Section 63 does not create any bar of jurisdiction; rather Section 103 is an enabling provision, which permits LARRA to send its award, which is a deemed decree in law to be executed through the Civil Court.

57. Shri Jaiswal further urged that getting an award of LARRA executed through the Civil Court does not create any impediment or prejudice to the land owners nor it runs counter to the Scheme of the Act of 2013. In the aforesaid facts and circumstances, the necessary outcome would be that LARRA cannot execute its award and any attempt to do so would be without jurisdiction.

58. In support of his submissions, he has relied upon the following decisions **(a) Shankar Patilba Satpute v. State of Maharashtra : 2021 SCC OnLine Bom 5555; (b) Umesh Goel v. Himachal Pradesh Cooperative Group Housing Society Limited : (2016) 11 SCC 313; (c) Paramjeet Singh Patheja v. ICDS Ltd., : (2006) 13 SCC 322; (d) Bhuwalka Steel Industries v. Bombay Iron and Steel Labour Board and another : (2010) 2 SCC 273**.

F. SUBMISSIONS ON BEHALF OF LDA:-

59. Shri Mukund Tiwari, learned Senior Counsel along with Shri Bhanu Bajpai, appearing for the LDA also made submissions on the same lines and pattern as made by Shri Awasthi, learned counsel appearing for SSB and Shri Jaiswal, learned counsel for UPEIDA.

60. Learned Senior Counsel for the LDA submitted that the Scheme of the old Land Acquisition Act and the new Act of 2013, if compared, would indicate that by and large the provisions are the same, except in the adjudicatory function, which in the Old Act was given to the Court of Reference, in terms of Section 18 has now been given to the Authority i.e. LARRA.

61. It was submitted that under the old Act, a Reference Court had all the powers of a Civil Court and it was also manned by a Judicial Officer and the final order passed by the Reference Court was a decree and it was executed as a decree of a Civil Court and all the wherewithal of the Court was available to the Reference Court through which it could execute its award.

62. Under the new Act, this Scheme has changed and LARRA has been constituted in terms of Section 51 of the Act of 2013 and only some provisions of the CPC has been made applicable, as would be evident from Section 60 of the Act of 2013. It was also submitted that the award made by LARRA has been given the status of a deemed decree and necessarily in order to execute such a decree, it has to be placed before the Civil Court, as LARRA does not have any power or the wherewithal to execute its award.

63. It was further urged by Shri Tiwari that the award under the old Act made by the Collector was merely an offer made by the State to the land-owners, upon acquisition. Any person so aggrieved had the right to get a fresh determination of the award in terms of reference under Section 18 of the Act of 1894 and once an award was made by the Reference Court and if it required execution, the Court, in terms of the Act of 1894, would execute the same. However, in terms of the new Act, upon acquisition and after Collector makes an award then it is an obligation of the Collector to tender payment of the compensation awarded to the persons interested. In case, if any person did not express his consent to receive it, or in case if there was any dispute as to the title relating to the person entitled to receive compensation or its apportionment, then while referring the matter to LARRA in reference, in terms of Section 64, the Collector is obligated to deposit the amount of compensation with LARRA.

64. It was submitted that under the Act of 2013 the compensation as determined by the award made by Collector is to be paid to the land-

owners and in case of any dispute or reluctance to receive the same, the Collector is obligated to deposit same with LARRA in terms of Section 77(2) of the Act of 2013 and while the adjudication of dispute is done by LARRA, the awarded sum already stands secured and it is only such amount which is freshly determined by LARRA, if enhanced by it, would be payable and for this enhanced award, the party is entitled to get the award executed through a Civil Court as the award of LARRA is deemed as a decree of a Civil Court. Thus, the Scheme of the Act is quite clear and no power of execution has been conferred on LARRA.

65. In case a land-owner seeks to get the award of LARRA executed, it has to get the same done through the Civil Court and thus any power of execution exercised by LARRA would be *dehors* the Scheme of the Act and *void ab initio*. The execution of its award by LARRA would be an exercise of power which does not exist and would be hit by the vice of patent lack of jurisdiction.

66. It was also submitted that though the LDA had filed a separate Application C-71 before LARRA and had raised these objections, but the same were rejected without considering the issue at hand, in a cursory manner and thus the order impugned in the petition filed by the LDA, deserves to be set aside.

67. In support of his submissions, he relied upon the following cases:-

(a) Chimanlal Hargovind Das v. Special Land Acquisition Officer, Poona and another : (1988) 3 SCC 751;

(b) Karnataka Housing Board v. K.A. Nagamani : (2019) 6 SCC 424;

(c) Union of India v. Rajiv Kumar : (2003) 6 SCC 516;

(d) Standard Chartered Bank v. Dharminder Bhohi and others : (2013) 15 SCC 341

G. SUBMISSIONS ON BEHALF OF LAND OWNERS:

68. Shri **Vijay Kumar Srivastava** alongwith **Shri Mustafa Ahmad Khan**, learned counsel led the arguments on behalf of the land owners.

69. It was, primarily, urged that the Scheme of the Act of 2013 is such that LARRA has been constituted for speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and re-settlement. The Presiding Officer of LARRA can be a person who has been District Judge or has seven years of experience as a qualified practitioner. The appointment though made by the Appropriate Government but it is in consultation with the Chief Justice of the concerned High Court.

70. It was further submitted that LARRA has been vested with powers as are vested in a Civil Court in respect of matters enumerated in Section 60(1) of the Act of 2013. Section 60(3) of the Act provides that LARRA is not bound by the procedure laid down by the Civil Procedure Code but it would be guided by the principles of natural justice and shall have the power to regulate its own procedure. Section 61 of the Act indicates that the proceedings before LARRA shall be judicial proceedings within the meaning of Sections 183 and 228 IPC and LARRA shall be deemed to be a Civil Court for the purpose of Sections 345 and 346 Cr.P.C.

71. It was further submitted that Section 63 of the Act bars the jurisdiction of the Civil Court to entertain any disputes in relation to land

acquisition, while Section 70 grants a deemed status of a decree to an award made by LARRA. Section 72 provides that LARRA may in its award direct the Collector to pay interest on excess compensation determined by it and such amount shall be deposited with the Authority. Section 77 provides that after making an award under Section 30, the Collector shall pay the compensation to the entitled person by depositing it in their bank accounts and if any person refuses to accept it or there is no competent person to receive it or there is a dispute regarding entitlement or apportionment, then the said amount shall be deposited with LARRA.

72. Shri Srivastava on the strength of the aforesaid Sections urged that the Act of 2013 is a Code in itself and in such cases where LARRA may not have been specifically conferred with the power of execution yet the very fact that the award of LARRA is treated as a deemed decree and the powers of Civil Court has been conferred on LARRA then it also has the power of executing its own award and such power must be deemed to exist with LARRA. Any other interpretation would result in nullifying the object of the Act of 2013 which primarily is to achieve to be speedy disposal of disputes relating to land acquisition and compensation.

73. Shri Srivastava further urged that the powers conferred on LARRA indicate that it has trappings of a Court. As per the objects of the Act of 2013, it reveals that LARRA is required to adjudicate disputes in a time bound fashion, which in absence of the Act of 2013, would have been done by the Civil Court and thus such an authority is a

substitute of a Civil Court and that being so, LARRA would have powers to execute its own order/award, as done by the Civil Court.

74. Shri Srivastava has further submitted and referred to the Electricity Act 2003, The Administrative Tribunal Act 1985 and the Recovery Of Debts And Bankruptcy Act, 1993 to urge that provisions in the aforesaid mentioned Acts are similar to Section 60(1) of the Act of 2013. It was elaborated that similar provisions, as in the Act of 2013 in respect of applicability of CPC if compared with the Electricity Act 2003, The Administrative Tribunal Act, 1985 and the Recovery of Debts and Bankruptcy Act, 1993, as interpreted by the Apex Court, indicates that such Authorities were substitutes for the Civil Court and it was held that such Authorities had the power to execute their own orders, hence, similar construction and interpretation must be extended to the provisions of Act of 2013, failing which, the intent and purpose of the Act would fail.

75. It was also urged by Shri Srivastava that the title of the Act of 2013 and its statement of objects and reasons clearly indicate that the Act was promulgated for providing fair compensation and to bring in transparency in land acquisition and also to ensure rehabilitation and re-settlement of the affected person, so that the affected person become partners in development leading to improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto.

76. The submission was that if the Act was promulgated for such salutary purposes and if the land of a person so acquired under the Act

and if such land owner is not satisfied with the compensation so offered, then he can seek a remedy of reference before LARRA. The Authority can enhance the compensation upon adjudication and if so done then the logical outcome would be that LARRA should also have the right to execute its own order, failing which, the purpose of the Act would stand frustrated and the land owner even after having an award in its favour would have to run from one forum to other to get the award executed which will only perpetuate his misery and thus the beneficial spirit of the Act of 2013 would be distorted. In such circumstances, it must be construed that the right to adjudicate inheres the right to execute.

77. In support of his submissions, he relied upon the following decisions:-

(a) Maharashtra State Electricity Distribution Co. Ltd. v. Maharashtra ERC : (2022) 4 SCC 657;

(b) T.N. Generation & Distribution Corpn. Ltd. v. PPN Power Generating Co. (P) Ltd. : (2014) 11 SCC 53;

(c) P.L. Kantha Rao v. State of A.P. : (1995) 2 SCC 471;

(d) State of Karnataka v. Vishwabharathi House Building Coop. Society : (2003) 2 SCC 412;

(e) Industrial Credit and Investment Corpn. of India Ltd. v. Grapco Industries Ltd. : (1999) 4 SCC 710;

(f) A.A. Haja Muniuddin v. Indian Railways : (1992) 4 SCC 736 and

(g) Kamlesh Aggarwal v. Narain Singh Dabbas : (2015) 11 SCC 661.

78. **Shri Amit Jaiswal**, learned counsel appearing for few of the land owners in the connected petitions also advanced his submissions primarily on the same line as made by Shri Srivastava. However, he added that determination and execution if left to different forums will result in multiplicity of proceedings, in different forums, which would unnecessarily delay the proceedings which starts with notification for acquisition and finally concludes with the payment of final compensation.

79. He further urged that the very fact that the award of LARRA is deemed as a decree of Civil Court, it necessarily indicates that LARRA has been conferred with powers which otherwise would be available to a Civil Court for the purposes of executing a decree passed by a Court. Accordingly, the right to adjudicate would also confer right to execute its orders/awards.

80. **Ms. Rani Singh** alongwith **Shri Harsh Vardhan Singh** and **Ms. Amrita Yadav**, learned counsel appearing for some of the land owners in the aforesaid bunch of petitions made submission to canvass the proposition that LARRA would have the right to execute its award.

81. Ms. Singh has also referred to statutory frame work and made submissions similar to the ones raised by Shri Srivastava. In addition, she submitted that the legal fiction which has been created in terms of Section 70(2) must be given its full effect. It was also urged that even though the Act of 2013 may not contain any specific provision for execution of the award but the very fact that the Act does not contain any express prohibition nor provides for any specific provision requiring the

Authority to transmit its award for execution to the Civil Court, hence, by necessary implication it must be deemed that LARRA has power to execute its own award and any contrary interpretation would render Section 70(2) of the Act, as otiose.

82. Ms. Singh further urged that since the Act of 2013 is a beneficial piece of legislation then it must be construed purposefully and in case of any ambiguity the construction which leads to and in favour of the land owner must be preferred. It was also urged that relegating the land owners to get the award executed before the Civil Court would result in prejudice and which cannot be intent of the Act especially when the Act itself creates a bar of jurisdiction for the Civil Court to entertain any disputes as mentioned in Section 63.

83. She further submitted that LARRA has been constituted as a special Authority under the Act of 2013 relating to land acquisition, compensation, re-rehabilitation and re-settlement including disputes relating to measurement of land, amount of compensation, the person to whom it is payable as well as the rights of rehabilitation and resettlement or the apportionment of compensation amongst the persons interested. Once the Authority has been given clear powers to adjudicate the nature of disputes mentioned above and upon adjudicating an award is passed by LARRA then executing its own award is merely an incidental and consequential power which must be held to exist in its favour or else it may lead to creating multiplicity of forums and would result in making a land owner run from one Authority to another, especially who has already lost his land under compulsory acquisition and such a person,

who is made to run from one forum to another, cannot be said to be a partner in development as indicated in the objects and reasons of the Act of 2013. Accordingly, it was submitted that execution is regarded as an incidence of adjudication and an award which has the status of a deemed decree, if not enforced by the Authority itself would only make the said award illusory.

84. **Shri Kshemendra Shukla**, learned counsel appearing for the land owner in the petition filed by the Lucknow Development Authority also adopted the submissions as made by the learned counsel appearing for the land owners. However, he too submitted that the State has issued a notification dated 04.08.2022, as a consequence, the power of execution was conferred on LARRA. It was also pointed out that in furtherance of the said notification dated 04.08.2022, the State had also issued a Govt. Order clarifying the position, addressing it to the Registrar General of the High Court, dated 21.02.2024 indicating that the Presiding Officer of LARRA had been conferred with the power of execution and the Registrar General of the High Court has also issued a notification directing all Presiding Officers of LARRA to take note and ensure the compliance of the notifications dated 04.08.2022 and 21.02.2024.

85. Shri Shukla further urged that a similar issue came up before a Division Bench of this Court in Writ-C No.15469 of 2026, at Allahabad, (**Chandrabhan Yadav v. State of U.P. and 2 others : 2026:AHC:98714-DB**) wherein the land owners sought a writ in the nature of mandamus commanding the District Magistrate to pass an order for recovering the awarded sum, pursuant to an order dated

29.08.2025 passed by LARRA in Reference Case No.5 of 2024. It was also pointed out that in the said writ petition the State had raised an objection regarding the maintainability of the writ petition on the premise that the Act of 2013 is a Code in itself and in light of the notification mentioned above the land owner had the statutory remedy of execution before the LARRA under Section 70 of the Act of 2013. The Division Bench of this Court while taking note of the aforesaid notification dated 04.08.2022 and 21.02.2024 declined to entertain the writ petition on the premise that the land owner had an alternative remedy and relegated the land owners to invoke the execution jurisdiction of LARRA.

86. Thus, it was urged that the issue stands settled and it is clear that LARRA has been conferred with the power to execute its award and thus the petition filed by the requiring body deserves to be dismissed.

H. <u>SUBMISSIONS ON BEHALF OF THE STATE OF U.P.:-</u>

87. Lastly, the learned Additional Advocate General for the State of U.P., provided cosmetic assistance to the Court by giving one page written instructions indicating that LARRA has the power to execute its order. However, no submission was made to explain as to how in absence of any express provision to execute could LARRA be construed to possess jurisdiction to execute its award.

88. It was enquired by the Court as to how the said notification {as noticed in **Chandrabhan Yadav** (supra)} would confer power on LARRA to execute its award when the said notification was issued under the Old Act of 1894 (if at all, it could be issued) and not under the New

Act of 2013, and that too, when at best it would operate one way i.e. only for the purposes of the awards or proceedings under the Old Act to be taken to its logical end and not for awards passed by LARRA itself and its execution.

89. However, the learned Additional Advocate General adhered to his submission basing it squarely on the notification dated 04.08.2022 and the decision of the Division Bench in **Chandrabhan Yadav** (supra) to contend that the petitions filed by the requiring body be dismissed.

I. CONSIDERATION OF JUDGMENTS CITED BY THE PARTIES:-

90. Before undertaking the exercise to unravel the legal enigma, it will be appropriate to consider the decisions cited by the parties.

Decisions cited by learned counsel for the Petitioners (requiring body):-

91. In **Gazala Begum (supra)**, a coordinate Bench of this Court had the occasion to consider the issue of transfer of proceeding from LARRA Court under the provisions of Section 24 C.P.C., and in that context, it held that LARRA was not a Court subordinate to the High Court in terms of Section 24 C.P.C. however, it clearly held that it was a Tribunal subordinate to the High Court for the purposes of Article 227. Hence, the said decision does not deal with the issue involved in the instant matter, hence, may not be of much help except for the proposition that LARRA is not a court subordinate to the High Court for the purpose of Section 24 C.P.C.

92. In **Dr. Jagmittar Sen Bhagat (supra)**, the Apex Court was considering an issue as to whether it was open for a government servant to raise a dispute regarding his service conditions or for payment of gratuity before any forum under the Consumer Protection Act. In the aforesaid context, the Apex Court held that conferment of jurisdiction is a legislative function and it can neither be conferred with the consent of the parties or by a superior court and if a court passes a decree having no jurisdiction over the matter, it would amount to a nullity, as the matter goes to the roots of the cause.

93. As far as this proposition is concerned, it is too well-settled to be disputed. However, the observations were made in a different context and it was not a matter before the Apex Court where it was deliberating as to whether the Consumer Forum had powers to execute its own orders considering the framework of the Consumer Protection Act, hence, the said decision may not really be applicable in unraveling the issue involved in the instant case.

94. In **Subhan Shah (supra)**, the Apex Court was considering the powers of the Tribunal constituted under the Waqf Act, 1995, vis-à-vis the powers of the Waqf Board. Considering the aforesaid aspect, the Apex Court held that the Tribunal constituted under Section 83 of the Waqf Act, 1995 was an adjudicatory body and its decision was final and binding but then the said Tribunal could not usurp the jurisdiction of the Board to frame a scheme. It was held that in absence of any power vested in the Tribunal, the Tribunal could only exercise those powers and could not usurp the functions which were vested under the Act with the

Board. Where the statute creates different authorities to exercise their respective functions thereunder, then each of such authority must exercise the functions within the four corners of the statute. The aforesaid case of **Subhan Shah** (supra) aids the petitioners on the proposition that an authority created under the Act can exercise only such powers which are conferred by the Act and not beyond it.

95. In **K.N. Govindan Kutty Menon (supra)**, the Apex Court was considering the provisions of the Legal Services Authorities Act, 1987 in light of Section 21 of the Legal Services Authorities Act, which also conferred the award passed by Lok Adalat, the status of a decree of the civil court, and noticing the purpose of conferring the status of a decree on an award passed by an authority (in the said case, referable to Lok Adalat), the Apex Court noticed the same in paragraphs 23 and 26 of the said judgment. The question before the Apex Court was quite different and hence, the said decision has limited applicability only for the purpose of knowing the effect of deeming decree.

96. In **Bhagyoday Co-operative Bank** (supra), the Apex Court was considering an issue as to the applicability and executability of an award which is passed by an authority which is not a civil court, and in the aforesaid context, in paragraph 29, the Apex Court held as under:

> "29. We are of the view that the respondents may not be justified in seeking to distinguish the judgment of this Court in Sundaram Finance [Sundaram Finance Ltd. v. Abdul Samad, (2018) 3 SCC 622 : (2018) 2 SCC (Civ) 593] . It cannot be in the region of doubt that when the authority passed the award under the Act, it was (sic not) a civil court. It is not a court within the meaning of Section 38CPC. If there is no court, which can be said to have passed the award in this case, then it is inconceivable as to how it could be maintained in the same breath that it is indispensable to the maintaining of the execution proceedings in another court that the court which passed the decree must necessarily transfer the proceedings to the latter court. For the effective working of

> Section 39CPC, in other words, there must be a court which has passed a decree. In the context of CPC, we are of the view that there is no such court within the meaning of Section 38 in these cases. Instead, we have what is essentially arbitration proceedings and what is passed by the said authority is clothed only with the effect of a decree and it is enforceable as a decree. No doubt on the certificate being granted it resulted in a deemed decree. In such circumstances, we are of the view that there is no merit in the contention of the respondents. The attempt to distinguish the judgment based on the presence of the words "decree as defined in clause (2) of Section 2CPC" is equally misplaced. This is for the reason that we would think that the words "decree as defined in clause (2) of Section 2CPC" as used in Section 103 of the Act is to reinforce in the concept of a decree with greater clarity and by way of abundant caution. The mere presence of these words by itself cannot support the attempt at distinguishing the principle which has been laid down in the decision of Sundaram Finance [Sundaram Finance Ltd. v. Abdul Samad, (2018) 3 SCC 622 : (2018) 2 SCC (Civ) 593] which is that in view of the fact that Sections 38 and 39CPC are not as such applicable, the decree-holder may seek to execute the decree in any court which otherwise has jurisdiction. This would mean that the finding by the High Court in this regard is flawed and is liable to be overturned."

97. In **Electrosteel Steel Limited** (supra), the Apex Court was considering the challenge made to an award in a petition filed under Article 227 of the Constitution of India, on the premise that even though if the award was not challenged under Section 34 of the Arbitration and Conciliation Act, 1996, whether it could be challenged before the executing court in terms of Section 47 C.P.C., and in the aforesaid context, the Apex Court in paragraphs 64, 67, 68, 69, 70, and 72 held as under:

> "64. This order came to be challenged by the appellant before the High Court in a proceeding under Article 227 of the Constitution of India. We have already noted the three issues framed by the High Court for consideration. Insofar as the first issue is concerned, the High Court is of the view that an award can be challenged in a proceeding under Section 47CPC on the very limited ground of the award being a nullity or void ab initio or suffering from inherent lack of jurisdiction. However, the High Court opined that if an aggrieved party does not challenge an award under Section 34 of the 1996 Act, it cannot be permitted to object to its execution by alleging it to be a nullity though such a plea of nullity can be entertained if it is of such a grave nature that it is not even capable of being waived by one or the other party. Therefore, the High Court concluded that the plea of nullity qua an arbitral award can be raised in a proceeding under Section 47CPC but such a challenge would lie within a very narrow compass.
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67. The High Court is correct in answering the first issue that a plea of nullity qua an arbitral award can be raised in a proceeding under Section 47CPC but such a challenge would lie within a very narrow compass.

68. Section 36 of the 1996 Act deals with enforcement of arbitral awards. Sub-section (1) says that where the time for making any application to set aside an arbitral award under Section 34 has expired, then subject to the provisions of sub-section (2), such award shall be enforced in accordance with the provisions of CPC in the same manner as if it were a decree of the court. As per sub-section (2), where an application to set aside an arbitral award has been filed under Section 34, the filing of such an application shall not by itself render an award unenforceable unless an order of stay is granted by the court. Therefore, in terms of Section 36 of the 1996 Act, an award can be enforced in accordance with the provisions of CPC in the same manner as if it were a decree of a civil court.

69. Section 47CPC deals with questions to be determined by the court executing decree. As per sub-section (1), all questions arising between the parties to the suit in which the decree was passed and relating to the execution, discharge or satisfaction of the decree shall be determined by the court executing the decree and not by a separate suit. Execution of decrees and orders is provided for in Order 21CPC. The law is well settled that at the stage of execution, an objection as to executability of the decree can be raised but such objection is limited to the ground of jurisdictional infirmity or voidness. The law laid down by this Court in Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman [Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman, (1970) 1 SCC 670] is that only a decree which is a nullity can be the subject-matter of objection under Section 47CPC and not one which is erroneous either in law or on facts. The aforesaid proposition of law continues to hold the field.

70. Objection to execution of an award under Section 47CPC is not dependent or contingent upon filing a petition under Section 34 of the 1996 Act. The High Court was not justified in taking the view that since the appellant did not file a petition under Section 34 of the 1996 Act, therefore, it was precluded from filing an application before the executing court to declare the award as void and hence non-executable.

* * *

72. Lifting of the moratorium does not mean that the claim of the respondent would stand revived notwithstanding approval of the resolution plan by the adjudicating authority. Moratorium is intended to ensure that no further demands are raised or adjudicated upon during the corporate insolvency resolution process so that the process can be proceeded with and concluded without further complications. View taken by the High Court cannot be accepted in the light of the clear cut provisions of the IBC as well as the law laid down by this Court. In view of the resolution plan, as approved, the claim of the respondent stood extinguished. Therefore, the Facilitation Council did not have the jurisdiction to arbitrate on the said claim. Since the award was passed without jurisdiction, the same could be assailed in a proceeding under Section 47CPC. View taken by the High Court that because the appellant did not challenge the award under Section 34 of the 1996 Act, therefore, it was precluded from objecting to execution of the award at the stage of Section 47CPC, is wholly unsustainable."

98. In **Rahul S. Shah** (supra), the Apex Court was considering the duties of the trial court before settlement of issues and what directions

could be passed while dealing with the suits and execution proceedings. In the aforesaid context, the Apex Court had considered the powers under Section 47 and Order XXI C.P.C., and general directions were issued in paragraph 42 relating to the execution.

99. The aforesaid decision does not deal with the matter which is involved in the instant petition, however, it was cited by Shri Paavan Awasthi, learned counsel only for the limited purposes to indicate that the Apex Court had directed all execution matters to be decided expeditiously, and in case if the award of LARRA is to be executed by the civil court, it cannot be said that the remedy was not effective or that the land owners had been left with no remedy or it would be time consuming.

100. In **Ghanshyam Dass Gupta** (supra), the Apex Court, while considering the maintainability of a writ petition in context with availability of alternate remedy, had held that an order passed by the civil court, for which a person has a remedy of getting it executed under the Code itself, cannot be bypassed to invoke the extraordinary jurisdiction of the High Court in terms of Article 226 of the Constitution of India; and in this context, it was observed that the remedy available under the Code of Civil Procedure is of superior quality than available under other statutes, however, the said decision has no bearing on the issue involved in the instant petition, hence it does not come to the aid of the petitioners.

101. In **V.R. Nanukuttan Nair** (supra), the Apex Court was considering the interpretation of Service Rules relating to pension, and

while considering the concept of *casus omissus*, in paragraph 19 it held as under:

> "19. It, thus, transpires that by judicial interpretation, words cannot be added to a statute, which would include the rules, regulations and instructions issued under a statute, as an excuse to give effect to its plain meaning of the language of the regulations. If the legislature has left a lacuna, it is not open to the court to fill it on some presumed intention of the legislature. But where the courts find that the words appear to have been accidentally omitted, or if adopting a construction deprives certain existing words of all meaning, it is permissible to supply additional words but should not easily read words which have not been expressly enacted. The court should construct the provisions harmoniously having regard to the context and the object of the statute in which a provision appears, to make it meaningful. An attempt must always be made so to reconcile the relevant provisions, so as to advance the remedy intended by the statute. Thus, it is not possible to read completion of qualifying service in Regulation 105-B of the Regulations."

102. This decision has been relied upon for emphasizing that if the legislature has left a lacuna, it is not open for the court to fill it on some presumed intention of the legislature. Where the courts find that the words appear to have been accidentally omitted, or if adopting a construction deprives certain existing words of all meaning, it is then permissible to supply additional words, but should not easily read words which have not been expressly enacted. The aforesaid decision, again in light of the controversy involved in the instant petitions, may not have any direct bearing. However, as far as the canons of statutory interpretation is concerned, there is no quarrel on the said propositions.

103. In **Maruti Udyog Ltd. v. Ram Lal** (supra), the Apex Court was considering the principles of statutory interpretation and held that a beneficial statute may receive liberal construction, but the same cannot be extended beyond the statutory scheme. The principles of statutory interpretation as mentioned by the Apex Court cannot be disputed.

104. In **Shankar Patilba Satpute** (supra) a Division Bench of the Bombay High Court was considering the provisions of the Act of 2013 in context with the payment of court fees. In the aforesaid context, the Bombay High Court had considered the meaning of the word "award" vis-a-vis powers of LARRA in context with Section 60, and it was observed as under:

> "26. The term Award has not been defined in the 2013 Act. However, in Sections 23 and 25 in Chapter IV titled "Notification and Acquisition" and in Sections 69 and 70 in Chapter VIII titled "Establishment of Land Acquisition, Rehabilitation and Resettlement Authority", there is a reference of the term "Award". Under chapter IV, the Collector/Land Acquisition Officer has to pass an Award. In Chapter VIII the Authority has to pass an award under Section 69 of the 2013 Act. An Award passed by the Authority under chapter VIII as provided under Section 70(2) is a deemed decree and the statement of the grounds of every such award a judgment within the meaning of clause (2) and clause (9) respectively, of Section 2 of the Civil Procedure Code, 1908 (5 of 1908). Every such award, which is a deemed decree, is executable. Section 60(2) of 2103 Act confers original jurisdiction to adjudicate upon every reference under Section 64 to the Authority. However, as provided under subsection 3 of Section 60 of the said Act, the Authority is not bound by the procedure laid down in the Code of Civil Procedure but shall be guided by the principles of natural justice and subject to the other provisions of the said Act and of any rules made thereunder, it shall have the power to regulate its own procedure. It is clear that while regulating its own procedure while determining the award the provisions of the Act of 2013 and Rules made thereunder shall be followed by the Authority. However, the Authority has limited powers as vested in a Civil Court under the Code of Civil Procedure as provided under Section 60(1) of the Act of 2013. The Authority determines the reference after the reference application is made to him by the Collector/L.A.O. under Section 64 of 2013 Act or on the application made by the applicant on failure of the Collector to make a reference to him."

105. In **Umesh Goyal** (supra), the Apex Court was considering the purpose of elevating the award to a status of a decree by way of legal fiction, and paragraphs 34 to 36 being relevant are being reproduced hereinunder:

> "34. Lastly, it was contended by Mr Sharan, learned Senior Counsel that under Section 36 of the 1996 Act, an award of the arbitrator has been equated to decree of the court for the purpose of execution. Under Section 35 of the 1996 Act, an arbitral award will be final and binding on the parties and persons claiming under them subject to the other provisions prescribed in the said part of the Act. Under Section 36 it is provided that where the time for making an application to set aside the arbitral award

under Section 34 expired, or such application having been made and referred, the award can be enforced under the Code of Civil Procedure in the same manner as if it were a decree of the court. When we consider the submission of the learned Senior Counsel for the respondent, at the very outset, it must be held that by referring to Sections 35 and 36, it is difficult to draw an inference that based on the deeming provision specifically meant for the enforcement and execution of an award, the arbitral proceedings can be equated to a civil court proceedings. As rightly contended by Mr Dhruv Mehta, learned Senior Counsel for the appellant, Section 36 only creates a statutory fiction which is limited for the purpose of enforcement of the award. The deeming fiction is specifically restricted to treat the award as a decree of a court, exclusively for the purpose of execution, though as a matter of fact, it is only an award of arbitral proceeding. It is a settled proposition, that a statutory provision will have to be construed from the words that are expressly used and it is not for the court to add or substitute any word to it. Therefore, going by Sections 35 and 36 it cannot be held that the entire arbitral proceeding is a civil court proceedings for the purpose of applicability of Section 69(3) of the Partnership Act.

35. In this context, we draw support from the decision of this Court in Sadan K. Bormal [State of W.B. v. Sadan K. Bormal, (2004) 6 SCC 59 : 2004 SCC (Cri) 1739] , para 25 is relevant for our purpose which reads as under : (SCC p. 69)

“25. So far as interpretation of a provision creating a legal fiction is concerned, it is trite that the court must ascertain the purpose for which the fiction is created and having done so must assume all those facts and consequences which are incidental or inevitable corollaries to the giving effect to the fiction. In construing a fiction it must not be extended beyond the purpose for which it is created or beyond the language of the section by which it is created. It cannot be extended by importing another fiction. These principles are well settled and it is not necessary for us to refer to the authorities on this subject. The principle has been succinctly stated by Lord Asquith in East End Dwellings Co. Ltd. v. Finsbury Borough Council [East End Dwellings Co. Ltd. v. Finsbury Borough Council, 1952 AC 109 : (1951) 2 All ER 587 (HL)] , when he observed : (AC pp. 132-33)

‘If you are bidden to treat an imaginary state of affairs as real, you must surely, unless prohibited from doing so, also imagine as real the consequences and incidents which, if the putative state of affairs had in fact existed, must inevitably have flowed from or accompanied it. The statute says that you must imagine a certain state of affairs; it does not say that having done so, you must cause or permit your imagination to boggle when it comes to the inevitable corollaries of that state of affairs.’”

36. We also draw support from the decision of this Court in Paramjeet Singh Patheja v. ICDS Ltd. [Paramjeet Singh Patheja v. ICDS Ltd., (2006) 13 SCC 322] , para 42 is relevant, which reads as under : (SCC p. 346)

“42. The words “as if” demonstrate that award and decree or order are two different things. The legal fiction created is for the limited purpose of enforcement as a decree. The fiction is not intended to make it a decree for all purposes under all statutes, whether State or Central.”

(emphasis in original)”

106. The case of **Paramjeet Singh Patheja** (supra), however, the same is not being considered separately since the said decision was also considered by the Apex Court in **Umesh Goyal** (supra).

107. In **Bhuwalka Steel Industries** (supra), rule of statutory interpretation has been noticed by the Apex Court to the effect that where the legislature enacts a new law replacing an existing legal framework and omits a provision, then such omission cannot be presumed to be unintentional; rather, the presumption must be drawn that it was deliberate, and such omission cannot be supplied by judicial interpretation. The relevant portion reads as under:-

> "44. It must, at this juncture, be noted that in spite of Section 2(11), which included the words "but for the provisions of this Act is not adequately protected by legislation for welfare and benefits of the labour force in the State", these precise words were removed by the legislature and the definition was made limited as it has been finally legislated upon. It is to be noted that when the Bill came to be passed and received the assent of the Vice-President on 5-6-1969 and was first published in the Maharashtra Government Gazette Extraordinary, Part IV on 13-6-1969, the aforementioned words were omitted. Therefore, this would be a clear pointer to the legislative intent that the legislature being conscious of the fact and being armed with all the Committee reports and also being armed with the factual data, deliberately avoided those words. What the appellants are asking was to read in that definition, these precise words, which were consciously and deliberately omitted from the definition. That would amount to supplying the casus omissus and we do not think that it is possible, particularly, in this case. The law of supplying the casus omissus by the courts is extremely clear and settled that though this Court may supply the casus omissus, it would be in the rarest of the rare cases and thus supplying of this casus omissus would be extremely necessary due to the inadvertent omission on the part of the legislature. But, that is certainly not the case here. (See decision in State of Jharkhand v. Govind Singh [(2005) 10 SCC 437 : 2005 SCC (Cri) 1570] .)"

108. In **Chimanlal Hargovinddas** (supra), the Apex Court, in terms of the Act of 1894, had laid down certain factors which bring out the difference in the award made by the Collector and the award made by the Reference Court. In paragraph 4, the Apex Court held as under:-

> "4. The following factors must be etched on the mental screen:

> (1) A reference under Section 18 of the Land Acquisition Act is not an appeal against the award and the court cannot take into account the material relied upon by the Land Acquisition Officer in his award unless the same material is produced and proved before the court.
>
> (2) So also the award of the Land Acquisition Officer is not to be treated as a judgment of the trial court open or exposed to challenge before the court hearing the reference. It is merely an offer made by the Land Acquisition Officer and the material utilised by him for making his valuation cannot be utilised by the court unless produced and proved before it. It is not the function of the court to sit in appeal against the award, approve or disapprove its reasoning, or correct its error or affirm, modify or reverse the conclusion reached by the Land Acquisition Officer, as if it were an appellate court.
>
> (3) The court has to treat the reference as an original proceeding before it and determine the market value afresh on the basis of the material produced before it."

109. However, the same may not have a great relevance to the issue which is being dealt in the instant petition, however, as far as the propositions mentioned in the said judgment is concerned, the same is not disputed.

110. In **K.A. Nagamani** (supra), the Apex Court was considering the provisions relating to execution of orders passed under the Consumer Protection Act, and in the aforesaid context, paragraph 7 can be of some help and the same reads as under:-

> "7. The revisional jurisdiction conferred on the National Commission under Section 21(b) is with respect to a pending or disposed of "consumer dispute" before the State Commission.
>
> 7.1. The consumer dispute, in the present case, had already been finally adjudicated by this Court vide judgment and order dated 19-9-2012 [K.A. Nagamani v. Karnataka Housing Board, (2015) 16 SCC 587 : (2016) 3 SCC (Civ) 692] . The second round of litigation emanated from the execution of the final order passed by this Court.
>
> 7.2. Section 25 of the 1986 Act provides for the enforcement of orders passed by the District Forum, State Commission or National Commission: Section 25(3) states:
>
> "25. Enforcement of orders of the District Forum, the State Commission or the National Commission.—(1)-(2)
>
> * * *
>
> (3) Where any amount is due from any person under an order made by a District Forum, State Commission or the National Commission, as the case may be, the person entitled to the amount may make an application to the District Forum, the State Commission or the National Commission, as the case may be, and such District Forum or the State Commission or

the National Commission may issue a certificate for the said amount to the Collector of the district (by whatever name called) and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue."

An order passed for enforcement, would not be an order in the "consumer dispute" since it stands finally decided by the appellate forum, which has conclusively determined the rights and obligations of the parties.

<u>7.3. The nature of execution proceedings is materially different from the nature of proceedings for adjudication of a consumer complaint. Execution proceedings are independent proceedings. Orders passed for enforcement of the final order in the consumer dispute, cannot be construed to be orders passed in the "consumer dispute".</u>

7.4. During the course of the hearing, the learned counsel for the appellant raised a contention that execution proceedings are a continuation of the "appeal", and must therefore be considered to be a continuation of the "consumer dispute". Reliance in this regard was placed on the decision of the Bombay High Court in Satguru Construction Co. (P) Ltd. v. Greater Bombay Coop. Bank Ltd. [Satguru Construction Co. (P) Ltd. v. Greater Bombay Coop. Bank Ltd., 2007 SCC OnLine Bom 158 : (2007) 3 Mah LJ 843] , and Raghunath R. Shingate v. Jayant Gajanan Pathak [Raghunath R. Shingate v. Jayant Gajanan Pathak, 2011 SCC OnLine Bom 1288 : (2011) 6 Mah LJ 799] , as well as the Patna High Court in Parshava Properties Ltd. v. A.K. Bose [Parshava Properties Ltd. v. A.K. Bose, 1979 SCC OnLine Pat 74 : AIR 1979 Pat 308] , wherein it was held that execution proceedings are a continuation of the suit.

7.5. On the other hand, the respondent complainant has placed reliance on a Full Bench of the Andhra Pradesh High Court in Guntupalli Rama Subbayya v. Guntupalli Rajamma [Guntupalli Rama Subbayya v. Guntupalli Rajamma, 1987 SCC OnLine AP 207 : AIR 1988 AP 226] , wherein it was held that: (SCC OnLine AP para 11)

"11. … Execution proceedings, in our view, cannot be regarded as continuation of the suit in the sense in which the proceedings in appeal are treated."

(emphasis supplied)

7.6. A Full Bench of the Patna High Court in Narmada Devi v. Ram Nandan Singh [Narmada Devi v. Ram Nandan Singh, 1985 SCC OnLine Pat 128 : AIR 1987 Pat 33] , has similarly held that execution proceedings cannot be regarded as a continuation of the suit.

7.7. We affirm the view taken by the Full Bench of the Andhra Pradesh High Court and the Patna High Court. Execution proceedings even though they are proceedings in a suit, cannot be considered to be a continuation of the original suit. Execution proceedings are separate and independent proceedings for execution of the decree. The merits of the claim or dispute cannot be considered during execution proceedings. They are independent proceedings initiated by the decree-holder to enforce the decree passed in the substantive dispute.

7.8. There is no remedy provided under Section 21 to file a revision petition against an order passed in appeal by the State Commission in execution proceedings. Section 21(b) does not provide for filing of a revision petition before the National Commission against an order passed by the State Commission in execution proceedings.

> 7.9. In the present case, the National Commission committed a jurisdictional error by entertaining the revision petition under Section 21(b) filed by the appellant Board against an appeal filed before the State Commission, in execution proceedings."

111. The Apex Court in **Rajeev Kumar** (supra), which relates to another well-settled proposition, that a court cannot read anything into a statutory provision or rewrite a provision which is unambiguous. The language employed in a statute is the determinative factor of the legislative intent of the policymakers, and a *casus omissus* cannot be supplied by way of interpretation. The relevant paragraphs 18 to 25 of the aforesaid report read as under:-

> "18. It is a well-settled principle in law that the court cannot read anything into a statutory provision or rewrite a provision which is plain and unambiguous. A statute is an edict of the legislature. The language employed in a statute or any statutory provision is the determinative factor of legislative intent of policy-makers.
>
> 19. Words and phrases are symbols that stimulate mental references to referents. The object of interpreting a statute or any statutory provision is to ascertain the intention of the legislature or the authority enacting it. (See Institute of Chartered Accountants of India v. Price Waterhouse [(1997) 6 SCC 312 : AIR 1998 SC 74] .) The intention of the maker is primarily to be gathered from the language used, which means that attention should be paid to what has been said as also to what has not been said. As a consequence, a construction which requires for its support, addition or substitution of words or which results in rejection of words as meaningless has to be avoided. As observed in Crawford v. Spooner [(1846) 6 Moo PC 1 : 4 MIA 179] , courts cannot aid the legislature's defective phrasing of an Act; they cannot add or mend, and by construction make up deficiencies which are left there. (Also see State of Gujarat v. Dilipbhai Nathjibhai Patel [(1998) 3 SCC 234 : 1998 SCC (Cri) 737 : JT (1998) 2 SC 253] .) It is contrary to all rules of construction to read words into an Act unless it is absolutely necessary to do so. [See Stock v. Frank Jones (Tipton) Ltd. [(1978) 1 All ER 948 : (1978) 1 WLR 231 (HL)]] Rules of interpretation do not permit courts to do so, unless the provision as it stands is meaningless or of a doubtful meaning. Courts are not entitled to read words into an Act of Parliament unless clear reason for it is to be found within the four corners of the Act itself. (Per Lord Loreburn, L.C. in Vickers Sons and Maxim Ltd. v. Evans [1910 AC 444 (HL)] , quoted in Jumma Masjid v. Kodimaniandra Deviah [AIR 1962 SC 847] .)
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> 20. The question is not what may be supposed and has been intended, but what has been said. "Statutes should be construed, not as theorems of Euclid" Judge Learned Hand said, "but words must be construed with some imagination of the purposes which lie behind them". (See Lenigh Valley Coal Co. v. Yensavage [218 FR 547] .) The view was reiterated in Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama [(1990) 1 SCC 277 : AIR 1990 SC 981] .

21. In D.R. Venkatachalam v. Dy. Transport Commr. [(1977) 2 SCC 273 : AIR 1977 SC 842] , it was observed that courts must avoid the danger of an a priori determination of the meaning of a provision based on their own preconceived notions of ideological structure or scheme into which the provision to be interpreted is somewhat fitted. They are not entitled to usurp legislative function under the disguise of interpretation.

22. While interpreting a provision, the court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the legislature to amend, modify or repeal it, if deemed necessary. (See CST v. Popular Trading Co. [(2000) 5 SCC 511]) The legislative casus omissus cannot be supplied by judicial interpretative process.

23. Two principles of construction — one relating to casus omissus and the other in regard to reading the statute/statutory provision as a whole — appear to be well settled. Under the first principle a casus omissus cannot be supplied by the court except in the case of clear necessity and when reason for it is found in the four corners of the statute itself. But, at the same time a casus omissus should not be readily inferred and for that purpose all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the legislature. “An intention to produce an unreasonable result”, said Danckwerts, L.J. in Artemiou v. Procopiou [(1966) 1 QB 878 : (1965) 3 All ER 539 (CA)] (All ER p. 544 I), “is not to be imputed to a statute if there is some other construction available”. Where to apply words literally would “defeat the obvious intention of the legislation and produce a wholly unreasonable result” we must “do some violence to the words” and so achieve that obvious intention and produce a rational construction. [Per Lord Reid in Luke v. IRC [1963 AC 557 : (1963) 1 All ER 655 (HL)] where AC at p. 577 (All ER p. 664 I) he also observed:“This is not a new problem, though our standard of drafting is such that it rarely emerges.”]

24. It is then true that,

“when the words of a law extend not to an inconvenience rarely happening, but do to those which often happen, it is good reason not to strain the words further than they reach, by saying it is casus omissus, and that the law intended quae frequentius accidunt”.

“But”, on the other hand,

“it is no reason, when the words of a law do enough extend to an inconvenience seldom happening, that they should not extend to it as well as if it happened more frequently, because it happens but seldom” (see Fenton v. Hampton [(1858) 11 Moo PC 347 : 6 WR 341]).

A casus omissus ought not to be created by interpretation, save in some case of strong necessity. Where, however, a casus omissus does really occur, either through the inadvertence of the legislature, or on the principle of quod enim semel aut bis existit praetereunt legislatores, the rule is that the particular case, thus left unprovided for, must be disposed of according to the law as it existed before such statute — casus omissus et oblivioni datus dispositioni juris communis relinquitur; “a casus omissus”, observed Buller, J. in Jones v. Smart [1 TR 44, 52 : 99 ER 963] (ER p. 967), “can in no case be supplied by a court of law, for that would be to make laws”.

> 25. The golden rule for construing wills, statutes, and, in fact, all written instruments has been thus stated:
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> "The grammatical and ordinary sense of the words is to be adhered to unless that would lead to some absurdity or some repugnance or inconsistency with the rest of the instrument, in which case the grammatical and ordinary sense of the words may be modified, so as to avoid that absurdity and inconsistency, but no further." (See Grey v. Pearson [(1857) 6 HL Cas 61 : 26 LJ Ch 473])
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> The latter part of this "golden rule" must, however, be applied with much caution. "If", remarked Jervis, C.J.,
>
> "the precise words used are plain and unambiguous, in our judgment, we are bound to construe them in their ordinary sense, even though they do lead, in our view of the case, to an absurdity or manifest injustice. Words may be modified or varied, where their import is doubtful or obscure. But we assume the functions of legislators when we depart from the ordinary meaning of the precise words used, merely because we see, or fancy we see, an absurdity or manifest injustice from an adherence to their literal meaning". [See Abley v. Dale [11 CB 378 : 138 ER 519] (ER p. 525).]"

112. In **Dharmendra Bohi** (supra) it was noticed that a statutory tribunal must function strictly within the statutory parameters, and it has no inherent power and cannot assume jurisdiction beyond what the parent statute confers. As far as the propositions are concerned, apparently there cannot be any dispute, however its applicability shall be seen by this Court when it undertakes the exercise of considering the scheme of the Act.

<u>Decisions cited on behalf of the Land-owners:-</u>

113. Learned counsel for the land-owners, Shri Srivastava, placed much reliance on the decision of **Maharashtra State Electricity Distribution Co. Ltd. v. Maharashtra ERC : (2022) 4 SCC 657** to buttress the submission that the regulatory commission established under the Electricity Act, 2003 was not expressly conferred with the power to execute, however, the Apex Court held that the regulatory commission possesses trappings of a court and, therefore, can execute its own orders

even in absence of any specific provision enabling it to do so under the Electricity Act, 2003.

114. It is true that the Apex Court has held as such, but what is more important to notice is the fact that the Regulatory Commission was held to be a court, which may not be quite correct for LARRA, which is an authority which does not have all the trappings of a court.

115. It will also be relevant to notice that Section 120(3) (4) confers such powers, and since the Apex Court was considering an order in context with Section 125 of the Electricity Act, which is akin to Section 100 CPC, hence, the issue before the Apex Court was limited in that extent.

116. The aforesaid decision of the Apex Court cannot be construed as laying down that an authority which has not been conferred with powers to execute can do so. That is for the reason that under the Electricity Act, the Apex Court had already held that it has trappings of a court, which is not true for the LARRA. Hence, the said decision is distinguishable on facts and does not help the land owners.

117. In **P.L. Kantha Rao** (supra), the Apex Court was considering the provisions of the Andhra Pradesh Administrative Tribunal, and in that context, it was observed that the word "proceedings" as envisaged in Section 29 of the Andhra Pradesh Act was very wide to include execution as a step in the judicial process.

118. The said decision may not help the land owners as it relates to a different Act, and without having any similarity or consideration of the

legal provisions which can be shown to be similar to the Act of 2013, cannot be applied as a sweeping proposition.

119. Learned counsel for the land owners heavily relied upon the decision of the Apex Court in **Vishwa Bharati House Building Cooperative Society** (Supra), wherein the vires of the Consumer Protection Act itself was under challenge. The learned counsel for the land owners have relied upon some of the paras in the said judgment selectively, however, what is important to note that the Apex Court in para 57 to para 63 held as under:-

> "57. A bare perusal of Section 25 of the Act clearly shows that thereby a legal fiction has been created to the effect that an order made by District Forum/State Commission or National Commission will be deemed to be a decree or order made by a civil court in a suit. Legal fiction so created has a specific purpose i.e. for the purpose of execution of the order passed by the Forum or Commission. Only in the event the Forum/State Commission or the National Commission is unable to execute its order, the same may be sent to the civil court for its execution. The High Court, therefore was not correct to hold that in each and every case the order passed by the District Forum/State Commission/National Commission are required to be sent to the civil courts for execution thereof.
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> 58. Furthermore, Section 27 of the Act also confers an additional power upon the Forum and the Commission to execute its order. The said provision is akin to Order 39 Rule 2-A of the Code of Civil Procedure or the provisions of the Contempt of Courts Act or Section 51 read with Order 21 Rule 37 of the Code of Civil Procedure. Section 25 should be read in conjunction with Section 27. A parliamentary statute indisputably can create a tribunal and might say that non-compliance with its order would be punishable by way of imprisonment or fine, which can be in addition to any other mode of recovery.
>
> 59. It is well settled that the cardinal principle of interpretation of statute is that courts or tribunals must be held to possess power to execute their own order.
>
> 60. It is also well settled that a statutory tribunal which has been conferred with the power to adjudicate a dispute and pass necessary order has also the power to implement its order. Further, the Act which is a self-contained code, even if it has not been specifically spelt out, must be deemed to have conferred upon the Tribunal all powers in order to make its order effective.
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> 61. In Savitri v. Govind Singh Rawat [(1985) 4 SCC 337 : 1985 SCC (Cri) 556 : AIR 1986 SC 984] it has been held as follows : (SCC pp. 341-42, para 6)
>
> "Every court must be deemed to possess by necessary intendment all such powers as are necessary to make its orders effective. This principle is embodied in the maxim 'ubi aliquid conceditur, conceditur et id sine quo

res ipsa esse non potest' (where anything is conceded, there is conceded also anything without which the thing itself cannot exist). (Vide Earl Jowitt's Dictionary of English Law, 1959 Edn., p. 1797.) Whenever anything is required to be done by law and it is found impossible to do that thing unless something not authorised in express terms be also done then that something else will be supplied by necessary intendment. Such a construction though it may not always be admissible in the present case however would advance the object of the legislation under consideration. A contrary view is likely to result in grave hardship to the applicant, who may have no means to subsist until the final order is passed. There is no room for the apprehension that the recognition of such implied power would lead to the passing of interim orders in a large number of cases where the liability to pay maintenance may not exist. It is quite possible that such contingency may arise in a few cases but the prejudice caused thereby to the person against whom it is made is minimal as it can be set right quickly after hearing both the parties."

62. In Arabinda Das v. State of Assam [AIR 1981 Gau 18 (FB)] it has been held as follows : (AIR p. 31, para 22)

"We are of firm opinion that where a statute gives a power, such power implies that all legitimate steps may be taken to exercise that power even though these steps may not be clearly spelt in the statute. Where the rule-making authority gives power to certain authority to do anything of public character, such authority should get the power to take intermediate steps in order to give effect to the exercise of the power in its final step, otherwise the ultimate power would become illusory, ridiculous and inoperative which could not be the intention of the rule-making authority.

In determining whether a power claimed by the statutory authority can be held to be incidental or ancillary to the powers expressly conferred by the statute, the court must not only see whether the power may be derived by reasonable implication from the provisions of the statute, but also whether such powers are necessary for carrying out the purpose of the provisions of the statute which confers power on the authority in its exercise of such power."

63. The terminology used in Section 25 of the Act to the effect "in the event of its inability to execute it", is of great significance. Section 25, on a plain reading, goes to show that the provision contained therein presuppose that the Forum or the Commission would be entitled to execute its order. It, however, may send the matter for its execution to a court only in the event it is unable to do so. Such a contingency may arise only in a given situation but in our considered opinion the same does not lead to the conclusion that the Consumer Courts cannot execute its own order and by compulsion it has to send all its orders for execution to the civil courts. Such construction of Section 25 in our opinion would violate the plain language used therein and, thus, must be held to be untenable."

120. It has specifically been held by the Apex Court that Section 25 of the Consumer Protection Act uses the word "in the event of its inability to execute it" is of prime importance as this itself clearly indicates that the Consumer Protection Act conferred powers to execute its own order,

and it is in this context that the Apex Court has interpreted it, however, no such provision as akin to this is present in the Act of 2013.

121. The decision of **Grapco Industries Limited** (Supra) emanates from the Debts Recovery Act of 1993, and if the said Act and its rules are seen, it would indicate that the said Act provides clear power to the DRT to execute its orders, and for its execution, Recovery Officer is the authority who exercises powers as conferred on the Recovery Officer under the Income Tax Act. Hence, the said decision in no way helps the land owners to suggest that in absence of any power conferred on LARRA, yet it can execute its own orders.

122. Similarly, the decision of the Apex Court in **A.A. Haja Moinuddin** (supra) also does not help the land owners as the said decision is in context with the Railway Claims Tribunal Act, 1987, and the said Act itself provides a clear power on the Tribunal to execute its own award.

123. As far as the decision of **Kamlesh Agarwal** (Supra) is concerned, that has been passed by the Apex Court in terms of Article 142, which may not be a binding precedent, apart from the fact that it also relies upon the earlier decision of the Apex Court in **Vishwa Bharati House Building Cooperative Society** (Supra), which has already been discussed hereinabove, hence, for the said reason also, it does not come to the aid of the land owners.

124. In the connected petitions, learned counsel for one of the land holders had cited a Division Bench decision of this Court in **Chandra Bhan Yadav** (supra), however, considering the same, suffice to state that

the said decision was only considering the maintainability of a writ petition seeking execution of an award passed by LARRA vis-a-vis the maintainability of the writ petition for alternate remedy. The notification quoted in the said order dated 4th of August, 2022 shall be considered by this Court specifically when it deals with the analysis in the later part of this judgment.

125. This Court also takes notice of a recent decision of the Apex Court in **Deputy Commissioner and Special Land Acquisition Officer v. S.V. Global Mill Ltd. : 2026 SCC OnLine SC 171.** In the said bunch of petitions, the Apex Court was considering the issue regarding the applicability of Section 5 of the Limitation Act, 1963 to the provisions of Section 74 of the Act of 2013.

126. Considering the Statement of Objects and Reasons of the 2013 Act and the historical prelude of the Land Acquisition Act, 1894 and the Limitation Act, it observed in para 41 as under:-

> "41. To sum up:—
>
> From the above analysis, we hold that the 2013 Act is a special law and a complete code to a large extent, but does not bar any assistance from the other enactments to give effect to its avowed object. After all, we must not lose sight of the fact that the right to get fair compensation is enshrined under Article 300A of the Constitution and when the statute itself provides so, it must be given effect to by the Court, notwithstanding any other possible technical interpretation. In other words, the provisions of the 2013 Act are meant to give effect to its object and, therefore, any contra interpretation would result in its destruction, and must be avoided by the Court."

127. In para 59 to 62, the Apex Court, while considering the provisions of the Limitation Act, held as under:-

> "59. Much has been said and argued on this provision. This provision throws light on the interplay between the 1963 Act and special or local laws. It comes into play when the period of limitation is prescribed by a special or local law. This provision applies to a suit, an appeal, or an application. The first part of this provision speaks of the application of Section 3 over which there is no quibble. It gives due recognition to

the period of limitation provided under the special or local law and imports it into the Schedule. In fact, it provides for an automatic change in the Schedule by the invocation of Section 3. However, for determination of the period of limitation, Sections 4 to 24, pertaining to extension and exclusion, shall apply. Thus, Section 29(2) is the provision that triggers the activation of Sections 4 to 24. This applies ordinarily to every special or local law, unless such law contains an express exclusion of the 1963 Act. To put it differently, the intention to exclude Sections 4 to 24 of the 1963 Act has to be clear, apparent and manifest. Therefore, the language of Section 29(2), indicates the intention of the Legislature to extend the application of Sections 4 to 24 to all special or local laws. A specific exclusion alone would take away its application. The application of Sections 4 to 24 can be excluded by such laws either individually or in totality. The provisions pertaining to the exclusion of time can also be applied at different stages. Suffice it is to state that Sections 4 to 24 will not apply only when their exclusion is expressly provided by such special or local law. In other words, there is a debarment of the exercise of any implied exclusion as a matter of rule. However, it can be done by the Court only in exceptional situations and that too, when the person claiming so discharges the burden of proving the same through the scheme of the legislation. Mere incorporation of a specific period of limitation under the special or local law does not amount to express exclusion of the 1963 Act. Rather, it must indicate that Sections 4 to 24 of the 1963 Act are excluded. As a matter of rule, the said words must be present in the special or local law. Otherwise, it would amount to nullifying Section 29(2) of the 1963 Act.

60. When the Legislature has consciously incorporated Section 29(2) in the 1963 Act, its application cannot be ousted in an indirect manner. Applying this provision only for the purpose of extension while ignoring exclusion cannot be sustained in the eye of law. Also, one part of this provision alone cannot be followed while failing to adhere to the other part. When one can say that, the first part of this provision, which imports the period of limitation of the special or local law into the Schedule, can be accepted, the other carved part cannot be ignored. Hence, a piecemeal application of this provision shall not be permitted.

61. Section 29(2) is not limited to the current laws but also covers laws that may be enacted in the future while they are in force and therefore must be interpreted harmoniously with other provisions rather than in isolation. When two enactments are to be interpreted, a court must construe them together, ensuring that both can co-exist and be given effect. Both must operate as a helping hand to each other and therefore, an approach that may lead to a conflict must be avoided. Reading a special or local law by ignoring Section 29(2) would be contrary to the object of the 1963 Act, makin60. When the Legislature has consciously incorporated Section 29(2) in the 1963 Act, its application cannot be ousted in an indirect manner. Applying this provision only for the purpose of extension while ignoring exclusion cannot be sustained in the eye of law. Also, one part of this provision alone cannot be followed while failing to adhere to the other part. When one can say that, the first part of this provision, which imports the period of limitation of the special or local law into the Schedule, can be accepted, the other carved part cannot be ignored. Hence, a piecemeal application of this provision shall not be permitted.

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62. To sum up:—

From the aforesaid analysis of the provision, we hold that the compliance of Section 29(2) of the 1963 Act is mandatory, with the exception arising only by way of an express exclusion. Therefore, in the absence of the same, Sections 4 to 24 of the said Act can be read into such special or local law. This, we say so, notwithstanding the principle governing harmonious construction as Section 29(2) is a very unique provision which seeks to be taken note of in the interpretation of other statutes."

128. Thereafter, the scheme of the Act of 2013 has been noticed by the Apex Court, and the relevant paras 74 to 81 is being reproduced hereinafter:-

"74. We have dealt with the provisions contained in both the enactments in extenso already. We have also dealt with the principles of law. Upon such analysis, we reiterate that the 2013 Act is a unique piece of legislation. The Collector is given two different and distinct roles up to a certain stage of the acquisition process. The first role is to facilitate the acquisition on behalf of the Government, and the other is with respect to the determination of the compensation. For both these roles, there is no question of application of any provisions of the 1963 Act, as the Collector either acts as a statutory authority on the executive side or as a quasi judicial authority while determining the compensation or as an authority dealing with rights having civil consequences while making a reference. In all these three acts, there is no role that is exclusively judicial. As we have already discussed, only when the issue of compensation is decided by the Authority, who is a legally trained person entitled to exercise the powers of a Civil Court, followed by the declaration of an award deemed to be a decree, does an out-and-out judicial forum enter the picture. The proceedings before him are original in nature, with two parties appearing before him, of which even the Collector is a party, since it is his award that is under challenge. There is a reason why the Authority is expected to exercise an element of fair play by following the principles of natural justice which would otherwise inhere in a party before it. It is only the Court that is given the inherent power of formulating its own procedure when it is not provided under the statute. Thus, the reference made by the Collector to the Authority, which is akin to the institution of a suit before a Civil Court, does not attract the application of Section 5 of the 1963 Act. However, an application filed during the pendency of the reference, being akin to an application filed during the pendency of a suit, would attract the application of Section 5 of the 1963 Act. For example, when a party to a reference dies, and an application for bringing the legal representatives on record is filed belatedly, Section 5 of the 1963 Act would have to be pressed into service. Such a situation might also arise in appellate proceedings. To that extent, there is no bar.

75. Section 74 of the 2013 Act provides for a first appeal, both, on facts and on law. This appellate proceeding before the High Court is nothing but a continuation of the original proceedings before the Authority. As already discussed earlier, Section 74 provides a period of 60 days for filing an appeal before the High Court, with an additional period of 60 days as per the proviso. The proviso does not extend the period of limitation, but merely brings a delayed filing within the ambit of the main provision. Being a mere proviso, it cannot be interpreted to mean an extension of the period of limitation.

76. Thus, Section 74, along with its proviso, deals with only one period of limitation, which is 60 days. The proviso merely facilitates an appellant to file the appeal within a further period of 60 days which, in effect, brings the same within the fold of the initial 60 days. This provision, as a whole, does not involve an exercise of the power conferred to the Court under Section 5 of the 1963 Act. However, we must note that the 2013 Act does not take away from its purview the application of Sections 4 to 24 of the 1963 Act. We do not find any express exclusion contained in Section 74 of the 2013 Act. The 2013 Act being a subsequent legislation, it is obvious that the Legislature was conscious not to take away the application of Sections 4 to 24 of the 1963 Act from its purview.

77. As Section 74 of the 2013 Act does not exclude the application of Sections 4 to 24 of the 1963 Act, a limited interpretation of Section 5 of the 1963 Act alone cannot be given. What applies to exclusion shall apply to extension as well. In our considered view, the High Court, while exercising the power under Section 74 of the 2013 Act, is certainly entitled to draw its power from the sources available under the 1963 Act. We cannot introduce words that are not available in Section 74 through an imaginary interpretation in holding the existence of an express exclusion. It is a conscious decision made by the Legislature, and its knowledge must be inferred and implied. Thus, we are inclined to hold that there is not much difference between the main provision contained in Section 74(1) and its proviso. There is only one period mentioned for filing the appeal, meaning thereby that the other one mentioned under the proviso gets subsumed within the period provided under Section 74(1).

78. Furthermore, the intention of Section 103 of the 2013 Act is also to be seen, which clarifies that it is in addition to and not in derogation of the existing laws. It facilitates adequate borrowing from other enactments. In fact, the completeness of the 2013 Act comes from such borrowing, including from the 1963 Act. Any interpretation of Section 74 of the 2013 Act, barring the application of other enactments which would include the 1963 Act, would make Section 103 of the 2013 Act redundant and otiose. When the Legislature introduces a provision, there can be no interpretation in ignorance of it. Such an ignorant interpretation would also be dangerous, as it would amount to striking down the very provision itself even without a challenge.

79. Thus, we hold that the 1963 Act applies to the 2013 Act. Any interpretation to the contrary would result in a situation as if both Section 29(2) of the 1963 Act and Section 103 of the 2013 Act have vanished from the respective statutes, which is wholly impermissible in law. We must also remain conscious that any interpretation having the impact of destroying a right in seeking an adjudication on merits, should be eschewed unless it appears so on the very face of it. Even when two interpretations are possible, the one that facilitates the filing of an appeal must be approved.

> 80. Having understood Section 74 of the 2013 Act, we are inclined to hold that the issue being determination of just, fair and adequate compensation by the First Appellate Court having the trappings of the original one and keeping in mind the object and the intent of the enactment which Courts are duty-bound to give effect to rather than indulging in its destruction, a liberal approach has to be adopted, both, when dealing with a case coming under the proviso or on an application of Section 5 of the 1963 Act.
>
> 81. Thus, we have no hesitation in setting aside the impugned judgments rendered by the High Courts which have held that Section 5 of the 1963 Act has no application to Section 74 of the 2013 Act, particularly in view of the fact that the period of limitation provided under Section 74 must be read into the Schedule by the invocation of Section 3 of the 1963 Act."

129. Having taken note of the aforesaid and considering the observations made by the Apex Court, it would be clear that though, first and foremost, the issue before the Apex Court was altogether different and was whether provisions of Section 5 of the Limitation Act can apply to appeals preferred under the Act of 2013, which is not the case in hand.

130. The issue of limitation was considered and the power of condonation of delay was present and that power was interpreted widely to condone delay beyond a period mentioned in this provision. Here first it has to be ascertained whether there is the power to execute the award. Hence, despite the aforesaid decision being in context with applicability of Section 5 of the Limitation Act to the Act of 2013, it is not a precedent for the proposition that LARRA can execute its own award.

J. DISCUSSIONS AND ANALYSIS:-

131. The Court has heard the learned counsel for the parties at length and also perused the material on record.

132. Now, the stage is set to examine the respective competing submissions. To begin, it will be beneficial to examine the difference in the Acts of 1894 and 2013 and how the legislature intended to bring

about a change by promulgating the Act of 2013, as well as to bring out the contrast in the provisions between the New and the Old Act, as it will be relevant to decide the controversy involved in these petitions.

133. It will be appropriate to first take a glance at the relevant provisions of the Act of 2013 and then the provisions of the Old Act of 1984.

Bird's Eye View of the Statutory Provisions of The Act of 2013:-

134. Lets start with the statement of objects and reasons of the Act of 2013, which is being reproduced hereinafter as the same has been relied upon by the learned counsel for the land-owner in support of their submissions:-

> "**Statement of Objects and Reasons**
> The Land Acquisition Act, 1894 is the general law relating to acquisition of land for public purposes and also for companies and for determining the amount of compensation to be made on account of such acquisition. The provisions of the said Act have been found to be inadequate in addressing certain issues related to the exercise of the statutory powers of the State for involuntary acquisition of private land and property. The Act does not address the issues of rehabilitation and resettlement to the affected persons and their families.
>
> 2. The definition of the expression "public purpose" as given in the Act is very wide. It has, therefore, become necessary to re-define it so as to restrict its scope for acquisition of land for strategic purposes vital to the State, and for infrastructure projects where the benefits accrue to the general public. The provisions of the Act are also used for acquiring private lands for companies. This frequently raises a question mark on the desirability of such State intervention when land could be arranged by the company through private negotiations on a "willing seller-willing buyer" basis, which could be seen to be a more fair arrangement from the point of view of the land owner. In order to streamline the provisions of the Act causing less hardships to the owners of the land and other persons dependent upon such land, it is proposed repeal the Land Acquisition Act, 1894 and to replace it with adequate provisions for rehabilitation and resettlement for the affected persons and their families.
>
> 3. There have been multiple amendments to the Land Acquisition Act, 1894 not only by the Central Government but by the State Governments as well. Further, there has been heightened public concern on land acquisition, especially multi-cropped irrigated land and there is no central law to adequately deal with the issues of rehabilitation and resettlement of displaced persons. As land acquisition and rehabilitation and resettlement need to be seen as two sides of the same coin, a single integrated law to

deal with the issues of land acquisition and rehabilitation and resettlement has become necessary. Hence the proposed legislation proposes to address concerns of farmers and those whose livelihoods are dependent on the land being acquired, while at the same time facilitating land acquisition for industrialization, infrastructure and urbanization projects in a timely and transparent manner.

4. Earlier, the Land Acquisition (Amendment) Bill, 2007 and Rehabilitation and Resettlement Bill, 2007 were introduced in the Lok Sabha on 6th December, 2007 and were referred to the Parliamentary Standing Committee on Rural Development for Examination and Report. The Standing Committee presented its reports (the 39th and 40th Reports) to the Lok Sabha on 21st October, 2008 and laid the same in the Rajya Sabha on the same day. Based on the recommendations of the Standing Committee and as a consequence thereof, official amendments to the Bills were proposed. The Bills, along with the official amendments, were passed by the Lok Sabha on 25th February, 2009, but the same lapsed with the dissolution of the 14th Lok Sabha.

5. It is now proposed to have a unified legislation dealing with acquisition of land, provide for just and fair compensation and make adequate provisions for rehabilitation and resettlement mechanism for the affected persons and their families. The Bill thus provides for repealing and replacing the Land Acquisition Act, 1894 with broad provisions for adequate rehabilitation and resettlement mechanism for the project affected persons and their families.

6. Provision of public facilities or infrastructure often requires the exercise of powers by the State for acquisition of private property leading to displacement of people, depriving them of their land, livelihood and shelter, restricting their access to traditional resource base and uprooting them from their socio-cultural environment. These have traumatic, psychological and socio-cultural consequences on the affected population which call for protecting their rights, particularly in case of the weaker sections of the society including members of the Scheduled Castes (SCs), the Scheduled Tribes (STs), marginal farmers and their families.

7. There is an imperative need to recognise rehabilitation and resettlement issues as intrinsic to the development process formulated with the active participation of affected persons and families. Additional benefits beyond monetary compensation have to be provided to families affected adversely by involuntary displacement. The plight of those who do not have rights over the land on which they are critically dependent for their subsistence is even worse. This calls for a broader concerted effort on the part of the planners to include in the displacement, rehabilitation and resettlement process framework, not only for those who directly lose their land and other assets but also for all those who are affected by such acquisition. The displacement process often poses problems that make it difficult for the affected persons to continue their traditional livelihood activities after resettlement. This requires a careful assessment of the economic disadvantages and the social impact arising out of displacement. There must also be holistic effort aimed at improving the all-round living standards of the affected persons and families.

8. A National Policy on Resettlement and Rehabilitation for Project Affected Families was formulated in 2003, which came into force with effect from February, 2004. Experience gained in implementation of this policy indicates that there are many issues addressed by the policy which

need to be reviewed. There should be a clear perception, through a careful quantification of the costs and benefits that will accrue to society at large, of the desirability and justifiability of each project. The adverse impact on affected families-economic, environmental, social and cultural-must be assessed in participatory and transparent manner. A national rehabilitation and resettlement framework thus needs to apply to all projects where involuntary displacement takes place.

9. The National Rehabilitation and Resettlement Policy, 2007 has been formulated on these lines to replace the National Policy on Resettlement and Rehabilitation for Project Affected Families, 2003. The new policy has been notified in the Official Gazette and has become operative with effect from the 31st October, 2007. Many State Governments have their own Rehabilitation and Resettlement Policies. Many Public Sector Undertakings or agencies also have their own policies in this regard.

10. The law would apply when Government acquires land for its own use, hold and control, or with the ultimate purpose to transfer it for the use of private companies for stated public purpose or for immediate and declared use by private companies for public purpose. Only rehabilitation and resettlement provisions will apply when private companies buy land for a project, more than 100 acres in rural areas, or more than 50 acres in urban areas. The land acquisition provisions would apply to the area to be acquired but the rehabilitation and resettlement provisions will apply to the entire project area even when private company approaches Government for partial acquisition for public purpose.

11. “Public purpose” has been comprehensively defined, so that Government intervention in acquisition is limited to defence, certain development projects only. It has also been ensured that consent of at least 80 per cent of the project affected families is to be obtained through a prior informed process. Acquisition under urgency clause has also been limited for the purposes of national defence, security purposes and Rehabilitation and Resettlement needs in the event of emergencies or natural Collectormities only.

12. To ensure food security, multi-crop irrigated land shall be acquired only as a last resort measure. An equivalent area of culturable wasteland shall be developed, if multi-crop land is acquired. In districts where net sown area is less than 50 per cent of total geographical area, no more than 10 per cent of the net sown area of the district will be acquired.

13. To ensure comprehensive compensation package for the land owners a scientific method for calculation of the market value of the land has been proposed. Market value calculated will be multiplied by a factor of two in the rural areas. Solatium will also be increased up to 100 per cent of the total compensation. Where land is acquired for urbanization, 20 per cent of the developed land will be offered to the affected land owners.

14. Comprehensive rehabilitation and resettlement package for land owners including subsistence allowance, jobs, house, one acre of land in cases of irrigation projects, transportation allowance and resettlement allowance is proposed.

15. Comprehensive rehabilitation and resettlement package for livelihood losers including subsistence allowance, jobs, house, transportation allowance and resettlement allowance is proposed.

16. Special provisions for Scheduled Castes and the Scheduled Tribes have been envisaged by providing additional benefits of 2.5 acres of land or extent of land lost to each affected family; one time financial assistance of Rs. 50,000; twenty-five per cent additional rehabilitation and resettlement benefits for the families settled outside the district; free land for community and social gathering and continuation of reservation in the resettlement area, etc.

17. Twenty-five infrastructural amenities are proposed to be provided in the resettlement area including schools and play grounds, health centres, roads and electric connections, assured sources of safe drinking water, Panchayat Ghars, Anganwadis, places of worship, burial and cremation grounds, village level post offices, fair price shops and seed-cum-fertilizers storage facilities.

18. The benefits under the new law would be available in all the cases of land acquisition under the Land Acquisition Act, 1894 where award has not been made or possession of land has not been taken.

19. Land that is not used within ten years in accordance with the purposes, for which it was acquired, shall be transferred to the State Government's Land Bank. Upon every transfer of land without development, twenty per cent of the appreciated land value shall be shared with the original land owners.

20. The provisions of the Bill have been made fully compliant with other laws such as the Panchayats (Extension to the Scheduled Areas) Act, 1996; the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Land Transfer Regulations in Fifth Scheduled Areas.

21. Stringent and comprehensive penalties both for the companies and Government in cases of false information, mala fide action and contravention of the provisions of the propose legislation have been provided.

22. Certain Central Acts dealing with the land acquisition have been enlisted in the Bill. The provisions of the Bill are in addition to and not in derogation of these Acts. The provisions of this Act can be applied to these existing enactments by a notification of the Central Government.

23. The Bill also provides for the basic minimum requirements that all projects leading to displacement must address. It contains a saving clause to enable the State Governments, to continue to provide or put in place greater benefit levels than those prescribed under the Bill.

24. The Bill would provide for the basic minimum that all projects leading to displacement must address. A Social Impact Assessment (SIA) of proposals leading to displacement of people through a participatory, informed and transparent process involving all stake-holders, including the affected persons will be necessary before these are acted upon. The rehabilitation process would augment income levels and enrich quality of life of the displaced persons, covering rebuilding socio-cultural relationships, capacity building and provision of public health and community services. Adequate safeguards have been proposed for protecting rights of vulnerable sections of the displaced persons.

> 25. The Bill seeks to achieve the above objects. The notes on clauses explain the various provisions contained in the Bill."

135. The preamble of the Act of 2013, it also being noticed which reads as under:-

> "An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto.
>
> Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—"

136. **Section 3** of the Act of 2013 contains the definitions. The relevant words defined as per the Act are provided in Section 3(e), Section 3(f) and Section 3(l) are being reproduced hereinunder:-

> "(*e*) **"appropriate Government"** means,**—**
>
> (*i*) in relation to acquisition of land situated within the territory of, a State, the State Government;
>
> (*ii*) in relation to acquisition of land situated within a Union territory (except Puducherry), the Central Government;
>
> (*iii*) in relation to acquisition of land situated within the Union territory of Puducherry, the Government of Union territory of Puducherry;
>
> (*iv*) in relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; and
>
> (*v*) in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the Central Government:
>
> Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government;
>
> (*f*) **"Authority"** means the Land Acquisition and Rehabilitation and Resettlement Authority established under Section 51;

(*l*) **"entitled to act"**, in relation to a person, shall be deemed to include the following persons, namely:—

(*i*) trustees for other persons beneficially interested with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability;

(*ii*) the guardians of minors and the committees or managers of lunatics to the same extent as the minors, lunatics or other persons of unsound mind themselves, if free from disability, could have acted:

Provided that the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall, mutatis mutandis, apply in the case of persons interested appearing before a Collector or Authority by a next friend, or by a guardian for the case, in proceedings under this Act;

137. How the market value is to be considered by the Collector is provided in Section 26, which reads as under:-

"26. Determination of market value of land by Collector.—(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

(*a*) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(*b*) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(*c*) consented amount of compensation as agreed upon under sub-section (2) of Section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under Section 11.

Explanation 1.—The average sale price referred to in clause (*b*) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

E*xplanation* 3.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—

(*a*) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(*b*) the registered sale deeds or agreements to sell as mentioned in clause (*a*) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(*c*) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice."

138. **Chapter VIII** of the Act of 2013 relates to establishment of Land Acquisition, Rehabilitation and Resettlement Authority and relevant Sections 51, 53, 60, 61, 63, 64, 69, 70 read as under:-

"51. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority.—(1) The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" to exercise jurisdiction, powers and authority conferred on it by or under this Act.

(2) The appropriate Government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under

Section 64 or applications made by the applicant under second proviso to sub-section (1) of Section 64.

* * *

53. Qualifications for appointment as Presiding Officer.—(1) A person shall not be qualified for appointment as the Presiding Officer of an Authority unless,—

(*a*) he is or has been a District Judge; or

(*b*) he is a qualified legal practitioner for not less than seven years.

(2) A Presiding Officer shall be appointed by the appropriate Government in consultation with the Chief Justice of a High Court in whose jurisdiction the Authority is proposed to be established.

* * *

60. Powers of Authority and procedure before it.—(1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) discovery and production of any document or other material object producible as evidence;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning of any public record;

(*e*) issuing commission for the examination of witnesses;

(*f*) reviewing its decisions, directions and orders;

(*g*) any other matter which may be prescribed.

(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under Section 64.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(4) The Authority shall, after receiving reference under Section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.

61. Proceedings before Authority to be judicial proceedings.—All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 1860)[6] and the Authority shall be deemed to be a civil court for the purposes of Sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

* * *

63. Jurisdiction of civil courts barred.—No civil court (other than High Court under Article 226 or Article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

64. Reference to Authority.—(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—(*a*) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(*b*) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

* * *

69. Determination of award by Authority.—(1) In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under Section 26 to Section 30 and the provisions under Chapter V of this Act.

(2) In addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification under Section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation.—In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any court shall be excluded.

(3) In addition to the market value of the land as above provided, the Authority shall in every case award a solatium of one hundred per cent over the total compensation amount.

> **70. Form of award.—**(1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of Section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.
>
> (2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of Section 2 of the Code of Civil Procedure, 1908 (5 of 1908)."

139. Thereafter Chapter IX which comprises of two sections i.e. Section 75 and 76 relates to apportionment to compensation. While in Chapter X of the Act relates to payment and in this context, Section 77 has been relied upon by the learned counsel for the land owners and for ready reference Section 77 is being reproduced hereinafter:-

> **"77. Payment of compensation or deposit of same in Authority**.—(1) On making an award under Section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by some one or more of the contingencies mentioned in sub-section (2).
>
> (2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under Section 64 would be submitted:
>
> Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:
>
> Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of Section 64:
>
> Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto."

140. Certain other Sections of the Act of 2013, which may have some bearing to comprehend the Scheme of the Act of 2013 and to arrive at a just and proper answer to the question involved in these petitions, are **Section 103**, which clearly states that the provisions of the Act of 2013 shall be in addition to and not in derogation of any other law for the time

being in force. While **Section 107** confers power on the State legislature to enact any law which is more beneficial for the affected families either for the purposes of enhancement or adding any entitlement which confers higher compensation or to make provisions for rehabilitation and resettlement, more beneficial to the affected families, than as provided in the Act of 2013 itself.

141. **Section 109** of the Act of 2013 vest powers with the appropriate government to make rules by notification relating to several aspects of the matter as mentioned in **Section 109(2)(a) to (u)**. However, what is relevant in the aforesaid Section is **clause (q)** which states that the State Government may by notification make rules including for any other matter under **clause (g)** of **sub-section (1)** of **Section 60** of the Act.

142. This Section 109 must be read with Section 111 which states that the rules made by the State Government be laid before the State legislature. Section 114 relates to repeal and saving and in terms thereof the Land Acquisition Act of 1894 stands repealed.

143. The State of U.P. has also framed Rules which are called **The Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Uttar Pradesh) Rules, 2016** which came into effect from 23.11.2016. Significantly, the Rules of 2016 do not promulgate any Rule in exercise of powers under clause (g) of Section 60(1). The Rules of 2016 do not confer or provide any power or procedure for executing an award passed by the LARRA.

144. Thus, after taking a panoramic view of the Act of 2013 and the Rules of 2016, it would reveal that there is no provision which confers or

provides for any power or procedure relating to execution or enforcement of an award made by LARRA either in the Act of 2013 or in the Rules of 2016.

<u>Provisions of the Old Land Acquisition Act, 1894:-</u>

145. Under the Act of 1894, Section 11 required the Collector to make an award relating to the land acquired. Any person aggrieved from the award of the Collector and seeking higher compensation was entitled to make a reference to the Court under Section 18.

146. Significantly, the word ‘Court’ was defined in **Section 3(d)** of the Old Act to mean a principal Civil Court of original jurisdiction, which is referable to the Court of District Judge.

147. For clarity, **Section 3(d)** and **Section 18** is being reproduced as under:-

> “3 (d) - The expression Court means a principal Civil Court of original jurisdiction, unless the [appropriate Government] has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act.”
>
> * * *
>
> “**18. Reference to Court**.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.
>
> (2) The application shall state the grounds on which objection to the award is taken:
>
> Provided that every such application shall be made,-
>
> (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collectors award;
>
> (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collectors award, whichever period shall first expire.
>
> (3) Without prejudice to the provisions of sub-section (1) the Land Reforms Commissioner may, where he considers the amount of compensation allowed by the award under Section 11 to be excessive, require the Collector that the matter be referred by him to the Court for determination of the amount of compensation.
>
> Explanation. In any case of land under Chapter VII the requisition under this sub-section may be made by the Land Reforms Commissioner at the

> request of the Company on its undertaking to pay all the cost consequent upon such requisition.
>
> (4) The requisition shall state the grounds on which objection to the award is taken and shall be made within six months from the date of the award."

148. Thus, under the old Act, the power of reference was conferred upon a **Court** which in exercise of its power of reference, could adjudicate matters relating to measurement of land, the amount of compensation, the persons to whom it is payable or the apportionment of the compensation amongst the person interested.

149. Sections 53 and 54 of the Act of 1894 provides that Code of Civil Procedure, 1908 would apply to the proceedings before the Court:-

> "**53. Code of Civil Procedure to apply to proceedings before Court-** .Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the [Code of Civil Procedure, 1908 (5 of 1908)] [Substituted by Act 68 of 1984, Section 28, for " Code of Civil Procedure, 1882 (14 of 1882)" (w.e.f. 24.9.1984).], shall apply to all proceedings before the Court under this Act.
>
> **54. Appeals in proceedings before Court** - .Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to [the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908 (5 of 1908), and in Order XLV thereof."

150. Having noticed the Scheme of the Old Act of 1894, the following position surfaces:-

(i) The right of reference in terms of Section 18 of the Old Act was conferred on a Court which has been defined in Section 3(d) to mean the Principal Civil Court of original jurisdiction.

(ii) Section 53 of the Old Act clearly indicates that the entire provisions of CPC was applicable before the Court and Section 54 refer to the applicability of CPC in appeals before the High Court;

(iii) Thus, under the old Act, there was no ambiguity that the Reference Court was the principal Civil Court of original jurisdiction, wherein the entire provisions of the CPC was applicable;

(iv) Once the power of reference was conferred upon a Court and the entire CPC was made applicable. The natural consequence was that the award made by the Reference Court in terms of Section 26(2) stood elevated to a status of a decree by a deeming provision and the Reference Court was specifically entitled and conferred with the power under the CPC which also includes the powers under Order XXI CPC to execute its own award;

(v) The language of Section 26 of the old Act is almost identical to Section 70 of the Act of 2013;

(vi) Hence, under the old Act the Reference Court was entitled to apply the provisions of the CPC in exercise of its jurisdiction under Section 18 and its award could be executed as a decree in terms of the provisions of the CPC.

Comparing the Procedural Shift as noticed in Section 60 of the New Act of 2013 with Section 53 of the Old Act, 1894:-

151. Having noticed the relevant provisions of the two Acts and noticing that there is absence of any specific power of execution in the Act of 2013, now the task of this Court becomes arduous to determine as to whether LARRA has the jurisdiction to execute its own award.

152. Under the New Act of 2013 the position of LARRA is quite discrete. The legislature has consciously refrained from making the entire CPC applicable to the reference proceedings before LARRA and

in terms of Section 60 of the Act, only limited provisions of the CPC has been borrowed and made applicable.

153. Section 60 of the Act 2013 provides that LARRA for the purposes of its functions under the Act would have the same powers as vested in the Civil Court in respect of following matters which have been enumerated in clause (a) to (f). For clarity, Section 60(1) i.e. Clause (g), is being reproduced as under:-

> "**60. Powers of Authority and procedure before it.**—(1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—
>
> (a) summoning and enforcing the attendance of any person and examining him on oath;
>
> (b) discovery and production of any document or other material object producible as evidence;
>
> (c) receiving evidence on affidavits;
>
> (d) requisitioning of any public record;
>
> (e) issuing commission for the examination of witnesses;
>
> (f) reviewing its decisions, directions and orders;
>
> (g) **any other matter which may be prescribed.**"

154. Clause (g), as noted above, would indicate that it is a residuary, enabling clause, which preserves the power to include any such additional powers, as may be required to be conferred upon the Reference Authority, as the State Government may deem fit to incorporate in its functions of Rule making power.

155. Likewise, the legislature has left it open for the Appropriate Government to prescribe any other matter relating to the power of LARRA which can be conferred under the Rule making power of the Appropriate Government in terms of Section 109(2)(q) and the said relevant provision and clause reads as under:-

> "**109 Power of appropriate Government to make rules.–**(1) Subject to the other provisions of the Act, the appropriate Government may, by notification, make Rules for carring out the provisions of this Act.
> (2) In particular, and without prejudice to the generality of the foregoing, such Rules may provide for all or any of the following matters, namely :-
> (a) x x x
> (q) **any other matter under clause (g) of sub-section (1) of Section 60**;"

156. None of the parties, including the State Government could point out any notification or Rule by which the Appropriate Government in its Rule making power under Section 109(q) has prescribed any power of execution for LARRA nor any provisions for and relating to execution of awards has been provided under the Rules of 2016.

157. It may also be noticed that under the old Act of 1894, there was no separate provision indicated for execution of awards passed by the Reference Court. This was for the reason that under the old Act, the Reference Court was conferred with all the powers of the Civil Court, as mentioned in Section 53 of the said Act, and the necessary upshot was that the word "Court" as defined in Section 3(d), seen in context with Section 18 which referred to the Court of Reference read with Section 53, left no room for any doubt that the Reference Court acted as Principal Court of Original Civil Jurisdiction, equipped with all the powers of C.P.C. and thus, the said Court had the power to adjudicate as well as to execute its own award (elevated to a status of a decree as per Section 26). Ergo, no separate provision was required.

158. However, there is a marked difference in the language and the provisions of the new Act relating to the powers conferred on LARRA.

159. It will be worthwhile to examine the effect of limited applicability of CPC in terms of Section 60 in the New Act of 2013 in contrast with full applicability of CPC in terms of Section 53 of the Old Act of 1894.

160. For clarity, Section 60 of the New Act and Section 53 of the Old Act are being reproduced here to bring out the difference in its language:-

Section 60 of New Act of 2013	Section 53 of Old Act of 1894
60. Powers of Authority and procedure before it.—(1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:— (a) summoning and enforcing the attendance of any person and examining him on oath; (b) discovery and production of any document or other material object producible as evidence; (c) receiving evidence on affidavits; (d) requisitioning of any public record; (e) issuing commission for the examination of witnesses; (f) reviewing its decisions, directions and orders; (g) any other matter which may be prescribed. (2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under Section 64. (3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure. (4) The Authority shall, after receiving reference under Section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly. (5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.	**53. Code of Civil Procedure to apply to proceedings before Court.—**Save in so far as they may be inconsistent with anything contained in this Act, the provision of the 92[Code of Civil Procedure, 1908, shall apply to all proceedings before the Court under this Act.

161. The language of the two Sections is quite at variance. The manner in which the CPC has been made applicable in the two Acts, is discrete and a handiwork, which in the realm of statute crafting and statutory interpretations is known as 'Referential Legislation' and it is of two variety, **(i) Legislation by Reference** and **(ii) Legislation by Incorporation**.

162. It this regard, it will be appropriate to notice the difference between the two (i) legislation by reference and (ii) legislation by incorporation, and its effect as per settled legal principles.

163. Gainfully, the Apex Court in the case of **U.P. Avas Evam Vikas Parishad v. Jainul Islam, (1998) 2 SCC 467,** had the occasion to consider the difference between two type Referential Legislation and it explained the concept as under:-

> "**17.** A subsequent legislation often makes a reference to the earlier legislation so as to make the provisions of the earlier legislation applicable to matters covered by the later legislation. Such a legislation may either be (*i*) a referential legislation which merely contains a reference to or the citation of the provisions of the earlier statute; or (*ii*) a legislation by incorporation whereunder the provisions of the earlier legislation to which reference is made are incorporated into the later legislation by reference. If it is a referential legislation the provisions of the earlier legislation to which reference is made in the subsequent legislation would be applicable as it stands on the date of application of such earlier legislation to matters referred to in the subsequent legislation. In other words, any amendment made in the earlier legislation after the date of enactment of the subsequent legislation would also be applicable. But if it is a legislation by incorporation the rule of construction is that repeal of the earlier statute which is incorporated does not affect operation of the subsequent statute in which it has been incorporated. So also any amendment in the statute which has been so incorporated that is made after the date of incorporation of such statute does not affect the subsequent statute in which it is incorporated and the provisions of the statute which have been incorporated would remain the same as they were at the time of incorporation and the subsequent amendments are not to be read in the subsequent legislation. In the words of Lord Esher, M.R., the legal effect of such incorporation by reference "is to write those sections into the new Act just as if they had been actually written in it with the pen or printed in it, and, the moment you have those clauses in the later Act, you have no occasion to refer to the former Act at all". (See: *Wood's Estate, Re,* [(1886) 31 Ch D 607 : 55 LJ Ch 488] Ch D at p. 615.) As to whether a particular legislation falls in the category of referential legislation or legislation by incorporation depends upon the language used in the statute in which reference is made to the earlier legislation and other relevant circumstances. The legal position has been thus

> summed up by this Court in *State of M.P.* v. *M.V. Narasimhan* [(1975) 2 SCC 377 : 1975 SCC (Cri) 589 : (1976) 1 SCR 6] : (SCR p. 14 : SCC p. 385, para 15)
>
> "Where a subsequent Act incorporates provisions of a previous Act then the borrowed provisions become an integral and independent part of the subsequent Act and are totally unaffected by any repeal or amendment in the previous Act. This principle, however, will not apply in the following cases:
>
> (*a*) Where the subsequent Act and the previous Act are supplemental to each other;
>
> (*b*) where the two Acts are in pari materia;
>
> (*c*) where the amendment in the previous Act, if not imported into the subsequent Act also, would render the subsequent Act wholly unworkable and ineffectual; and
>
> (*d*) where the amendment of the previous Act, either expressly or by necessary intendment, applies the said provisions to the subsequent Act."

164. Again in **M/s. Girnar Traders v. State of Maharashtra : (2011) 3 SCC 1**, the Apex Court once again considered this aspect and explained the concept and difference between the two type of referential legislation as under:-

> "87. However, since this aspect was argued by the learned counsel appearing for the parties at great length, we will proceed to discuss the merit or otherwise of this contention without prejudice to the above findings and as an alternative plea. <u>These principles have been applied by the courts for a considerable period now. When there is general reference in the Act in question to some earlier Act but there is no specific mention of the provisions of the former Act, then it is clearly considered as legislation by reference. In the case of legislation by reference, the amending laws of the former Act would normally become applicable to the later Act; but, when the provisions of an Act are specifically referred and incorporated in the later statute, then those provisions alone are applicable and the amending provisions of the former Act would not become part of the later Act. This principle is generally called legislation by incorporation. General reference, ordinarily, will imply exclusion of specific reference and this is precisely the fine line of distinction between these two doctrines. Both are referential legislations, one merely by way of reference and the other by incorporation. It, normally, will depend on the language used in the later law and other relevant considerations. While the principle of legislation by incorporation has well-defined exceptions, the law enunciated as of now provides for no exceptions to the principle of legislation by reference. Furthermore, despite strict application of doctrine of incorporation, it may still not operate in certain legislations and such legislation may fall within one of the stated exceptions</u>.
>
> 88. In this regard, the judgment of this Court in M.V. Narasimhan [State of M.P. v. M.V. Narasimhan, (1975) 2 SCC 377 : 1975 SCC (Cri) 589]

can be usefully noticed where the Court after analysing various judgments, summed up the exceptions to this rule as follows: (SCC p. 385, para 15)

“(a) where the subsequent Act and the previous Act are supplemental to each other;

(b) where the two Acts are in pari materia;

(c) where the amendment in the previous Act, if not imported into the subsequent Act also, would render the subsequent Act wholly unworkable and ineffectual; and

(d) where the amendment of the previous Act, either expressly or by necessary intendment, applies the said provisions to the subsequent Act.”

89. With the development of law, the legislature has adopted the common practice of referring to the provisions of the existing statute while enacting new laws. Reference to an earlier law in the later law could be a simple reference of provisions of earlier statute or a specific reference where the earlier law is made an integral part of the new law i.e. by incorporation. In the case of legislation by reference, it is fictionally made a part of the later law. We have already noticed that all amendments to the former law, though made subsequent to the enactment of the later law, would ipso facto apply and one finds mention of this particular aspect in Section 8 of the General Clauses Act, 1897. In contrast to such simple reference, legal incidents of legislation by incorporation is that it becomes part of the existing law which implies bodily lifting provisions of one enactment and making them part of another and in such cases subsequent amendments in the incorporated Act could not be treated as part of the incorporating Act.

90. Ultimately, it is the expression and/or the language used in the new law with reference to the existing law that would determine as to under what class of referential legislation it falls. In some of the statutes, expressions like “shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof” [In Section 20 of 53 Vict. Ch 70, Housing of the Working Classes Act, 1890.] or “the provisions of section of the said Act (set out in the Schedule) shall apply as if they were herein re-enacted” [Section 1(3) of 54 and 55 Vict. Ch 19] are typical examples of legislation by incorporation. Another glaring example of incorporation one finds in the provision of the Bombay Municipal Provincial Corporations Act, 1949 where Section 284-N uses the expression “the LA Act … shall for that purpose be deemed to form part of this chapter in the same manner as if enacted in the body hereof”.

91. Another feature of legislation by incorporation is that the language is explicit and positive. This demonstrates the desire of the legislature for legislation by incorporation. Self-contained enactment should be clearly distinguished from supplemental law. When the later law depends on the former law for procedural/substantive provisions or is to draw its strength from the provisions of the former Act, the later Act is termed as supplemental to the former law. The statement of object and reasons of both the Acts i.e. the MRTP Act and the Land Acquisition Act as well as the scheme of these Acts, we have already discussed at length. They are Acts which operate in different fields. One is a Central Act while the

> other is a State Act. They derive their source from different entries in the constitutional Lists.
>
> * * *
>
> 121. These are the few examples and principles stated by this Court dealing with both the doctrines of legislation by incorporation as well as by reference. Normally, when it is by reference or citation, the amendment to the earlier law is accepted to be applicable to the later law while in the case of incorporation, the subsequent amendments to the earlier law are irrelevant for application to the subsequent law unless it falls in the exceptions stated by this Court in M.V. Narasimhan case [State of M.P. v. M.V. Narasimhan, (1975) 2 SCC 377 : 1975 SCC (Cri) 589] . It could well be said that even where there is legislation by reference, the Court needs to apply its mind as to what effect the subsequent amendments to the earlier law would have on the application of the later law. The objective of all these principles of interpretation and their application is to ensure that both the Acts operate in harmony and the object of the principal statute is not defeated by such incorporation. Courts have made attempts to clarify this distinction by reference to various established canons. But still there are certain grey areas which may require the court to consider other angles of interpretation."

165. From the perusal of the aforesaid observation of the Apex Court and then comparing the two Sections, it would reveal that the powers which have been conferred on LARRA in terms of Section 60(1) of the Act of 2013 is in the nature of 'legislation by incorporation'. In contrast, the Act of 1894, attracts the applicability of CPC, in terms of Section 53 and 54 of the Old Act 1894, and it falls in the category of 'legislation by reference'.

166. The outcome would be that under the old Act by making the CPC applicable 'by reference' the entire CPC became applicable including the amendments which were made in the CPC, from time to time, and such amendments by operation of law became applicable to the reference proceedings under Section 18 the old Act of 1894.

167. However, since Section 60 of the Act of 2013 attracts limited applicability of CPC (which is in the nature of legislation by incorporation), hence it is applicable only in respect of those provisions which have been specifically borrowed and made applicable, as

indicated in clause (a) to (f) of Section 60(1). As a necessary corollary, it would mean that any changes/amendments made from time to time in the CPC, relating to such provisions, which have been borrowed in the Act of 2013, would not automatically apply and the provisions of the CPC as made applicable in Section 60(1) clause (a) to (f) would stand the way they did on the date of promulgation of the Act of 2013 and it would continue to apply. In other words, any subsequent amendment or change in the CPC, relating to the borrowed provisions in the Act of 2013 would not automatically become applicable.

168. Thus, as per the settled principles of statutory interpretation, it would be clear that the entire CPC has not been made applicable to Act of 2013 and thus power of execution which falls between Sections 36 to 74 and Order XXI CPC by itself or without specific provision cannot be inferred to have been conferred upon LARRA.

169. Since the new Act was promulgated by the legislature and it borrowed some provisions form the old Act, hence, it cannot gainfully be said that conferring limited powers of C.P.C. on LARRA was by inadvertence. There can never be an assumption to this effect rather, the presumption is that whatever the legislature has done, is its conscious act and it is for the Courts to implement the law as it stands of course, where required the Court may interpret a provision, but nevertheless the Courts are not required to legislate or rewrite an Act.

170. Significantly, Section 60 (1)(g) provides a window to the appropriate Government to frame Rules conferring any such additional power upon LARRA which could include the power of execution, but it

has not been so prescribed nor any Rule has been made by the Appropriate Government, in this regard.

171. Hence, it becomes challenging for this Court to accept that power to adjudicate includes power to execute especially in the legislative scheme as reflected in the Act of 2013. Though its always open to the State/Appropriate Government to exercise its rule making power and confer the power of execution which LARRA can then regulate as per its needs in the best interest of achieving the object of the Act of 2013 for the land-owners, in terms of Section 60(3) of the Act of 2013.

Whether the Power of Execution can be Subsumed Under Inherent Powers or Under Section 60(3) of the Act of 2013:-

172. Now, lets examine as to whether LARRA can execute its award under Section 60(3) of the Act or under inherent powers as suggested by the learned counsel for land-owners that power under Section 60(3) are very wide to include execution.

173. Fundamentally, inherent powers are conferred and it inheres in a ‘Court’ as understood in its classic sense and it may not be so true for any statutory Authority constituted under an Act exercising certain judicial or quasi judicial functions. For a judicial or quasi judicial Authority, the inherent powers have to be specifically conferred on the Authority by the Act under which it is constituted.

Inherent Powers:-

174. This issue as to whether an Authority can be said to be vested with inherent powers was considered by a Full Bench of this Court, in context the powers exerciseable by Deputy Director of Consolidation, in exercise of its power of reference, as provided under Section 48(3) of

U.P. Consolidation and Holdings Act, 1953. The Full Bench of this Court in **Kaushal Kishore and others v. Deputy Director of Consolidation/Chief Revenue Officer, Gonda and others : 2026 (5) ADJ 697 (FB)(LB)** examined the scope of inherent powers, whether it is assumed to be with an Authority or is it required to be provided specifically by a Statue, which creates such an Authority and in this regard it held as under:-

> "103. Examining this proposition first, it will be relevant to ascertain how and who can exercise inherent powers. The inherent powers generally are conferred on the Courts of law which are classically constituted under the Constitution whether it be the High Court and the Supreme Court who are also Courts of record. The Courts of original civil jurisdiction exercise inherent powers, which has been recognized by Section 151 C.P.C. Significantly, Section 151 does not confer powers, rather it recognizes the inherent powers vested with the Civil Courts.
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> 104. A judicial authority constituted under a special statute cannot be presumed to have inherent powers unless it is specifically so conferred on it by the Statute under which it is constituted.
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> 105. This can be seen in context with the fact that the Code of Civil Procedure envisages the conferment/recognition of inherent powers under Section 151 C.P.C. and simultaneously, it may also be noticed that the power of substantive review is also conferred by the Statute and it finds place in Section 114 read with Order 47 C.P.C.
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> 106. In contrast, the U.P.C.H. Act, 1953 is a special Statute which is a Code in itself, but it does not import the provisions of the C.P.C. as a whole. Neither there is any indication that the Courts/Adjudicatory Authorities constituted under the U.P.C.H. Act of 1953 have inherent powers nor they have been conferred with the power of review
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> 107. This aspect was noticed by a Full Bench of this Court in Smt. Anar Kali v. Deputy Director of Consolidation, 1997 (15) LCD 921 (FB), wherein the question before the Full Bench was :
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> "Whether it is open for the Consolidation authorities to review/recall their final orders exercising inherent powers even though the U.P. Consolidation of Holdings Act, 1953 does not vest them any review jurisdiction?"
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> 108. The Full Bench answered the aforesaid question in the following words :
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> "23. On the authoritative pronouncements made by the Supreme Court in the aforementioned decisions, the legal position which is manifest is that the Deputy Director of Consolidation while exercising the power of revision vested in him under the Consolidation Act exercises quasi judical powers and in the absence of any provision in the Consolidation Act,

> which expressly or by necessary implication vests in him the power of review, he cannot exercise such power. It follows that the Deputy Director of Consolidation is not competent to revive a revision proceeding disposed of by him by a final order on a review application filed by one of the parties."

175. Now, as far as LARRA is concerned, it is an Authority constituted under Section 51 of the Act of 2013 and defined in Section 3(f) of the Act and it is not a Court. This aspect of the matter was considered by a Coordinate Bench of this Court in **Gazala Begum** (supra) and the relevant portion reads as under:-

> "4. The Presiding Officer of the LARRA is an appointee of the State Government. In the event he is a serving District Judge, the appointment would be on deputation, of course, with this Court's permission on the administrative side. In all other contingencies contemplated by Clauses (a) and (b) of sub-Section (1) of Section 53, the appointment of the Presiding Officer of the LARRA is to be made by the State on such terms and conditions as the law prescribes. Section 54 of the Act of 2013 spells out some of these conditions.
>
> 5. The trappings and the essential character of the LARRA show it to be not an established Civil Court, but an adjudicating authority established by a notification by the State Government for the purpose indicated in Section 51 of the Act of 2013. The Presiding Officer of the said Authority is also to be appointed by the State Government. The Presiding Officer in one contingency may be a serving District Judge, who could be appointed on deputation with this Court's permission. Else, the Presiding Officer recruited from any other source would be appointed by the State Government, of course, in consultation with the Chief Justice of the High Court, in whose jurisdiction, the Authority is proposed to be established. By no means, therefore, the LARRA is a Court subordinate to this Court within the meaning of Section 24(1)(a) of the Code of Civil Procedure, 19083. The LARRA, described under the Act of 2013 as an "Authority", may be regarded as a Tribunal subordinate to this Court for the purpose of superintendence under Article 227 of the Constitution, but not a Court subordinate to this Court under the Code."

176. At this stage, it may also be noted that there is a similar proposition which is squarely applicable in relation to the exercise of power of review, by an Authority. It is too well settled that unless an Authority is specifically conferred with the power of review under a statute it cannot exercise the the said power.

177. It is in this backdrop, it would be noticed that Section 60(1)(f) has conferred the power of review upon LARRA, but no power permitting it to exercise inherent power has been conferred Had it not been for such vesting of powers of review with LARRA, it would not be in a position even to review its order.

178. Thus, the upshot is that in case if the legislature intended the entire CPC to be made applicable, then it could have simply made a provision in the New Act of 2013, similar to Section 53 of the old Act but it was not done rather limited provisions of the CPC have been incorporated, which includes the power of review, but not the inherent powers.

179. At this very juncture, it will be relevant to notice that a review can be of two types, **(i)** a substantive power to review which requires conferment of specific power **(ii)** The other is power of procedural review, which may be exercised by an Authority, even though it may not have been specifically conferred.

180. The difference in substantive and procedural review was considered by the Apex Court in **Grindlays Bank Ltd. v. Central Government Industrial Tribunal and others : 1980 Suppl. SCC 420** which was followed in **Kapra Mazdoor Ekta Union v. Management of Birla Cotton Spinning and Weaving Mills Ltd. and others : (2005) 13 SCC 777** and again relied upon in **Hindustan Construction Company Limited v. Bihar Rajya Pul Nirman Limited and others :2026 (3) SCC 264.**

181. Similarly, an Authority or a quasi judicial Authority may find itself equipped, inherently, with the power of recall which may be limited and

'purpose specific'. Such power is said to be present to empower such Authority to protect itself from any type of fraud and to ensure that if an order is procured by fraud then it may not be perpetuated and it may not be used as a tool of oppression in the hands of a manipulative or unscrupulous litigant. This aspect was considered by the Apex Court in the case of **United India Insurance Co. Ltd. v. Rajendra Singh : (2000) 3 SCC 581** and the relevant portion reads as under:-

> "11. Thus the Tribunal refused to open the door to the appellant Company as the High Court declined to exercise its writ jurisdiction which is almost plenary for which no statutory constrictions could possibly be imposed. If a party complaining of fraud having been practised on him as well as on the court by another party resulting in a decree, cannot avail himself of the remedy of review or even the writ jurisdiction of the High Court, what else is the alternative remedy for him? Is he to surrender to the product of the fraud and thereby became a conduit to enrich the impostor unjustly? Learned Single Judge who indicated some other alternative remedy did not unfortunately spell out what is the other remedy which the appellant Insurance Company could pursue.
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> * * *
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> 16. Therefore, we have no doubt that the remedy to move for recalling the order on the basis of the newly-discovered facts amounting to fraud of high degree, cannot be foreclosed in such a situation. No court or tribunal can be regarded as powerless to recall its own order if it is convinced that the order was wangled through fraud or misrepresentation of such a dimension as would affect the very basis of the claim."

182. Thus, it would be seen that even though a quasi judicial Authority may exercise its power of procedural review, but it still cannot exercise substantive review unless it is provided by statute. Similarly, inherent power to recall its order may be exercised by an Authority to undo a fraud but that power cannot be invoked for exercising any substantive power, unless specifically conferred. Hence, it shows the conscious intendment of the legislature to provide the power of review specifically upon LARRA and not the inherent powers and certainly not the power of execution.

Impact of Section 60(3) of the Act of 2013:-

183. Now, at this stage, if **Section 60(3)** of the Act of 2013 is seen, it would reveal that the Authority shall not be bound by the procedure laid down in the CPC but shall be guided by principles of natural justice and subject to other provisions of this Act and any Rule made thereunder, the Authority would have the powers to regulate its own procedure.

184. This clearly indicates that the entire CPC was not intended to be made applicable and whatever provisions of the CPC were intended to apply, has been mentioned in Section 60(1) of the Act. However, LARRA is mandated to adhere to the principles of natural justice which necessarily is a manifestation of the Rule of *audi alteram partem*. This, in any case, cannot be resorted to suggest that the said provision i.e. Section 60(3) mean to confer any inherent powers or the power of execution, which are separate and substantive powers all together. Even though the Authority has been granted the power to regulate its own procedure, but then, this regulation necessarily implies and permits the Authority to regulate its procedure relating to exercise of any or all such powers, which have been substantively conferred upon it, in terms of the Act of 2013.

185. As seen from the legislative scheme, the powers of execution and the inherent powers have not been specifically conferred. Thus, such powers cannot be assumed, by digging out from the regulatory provision, nor the provision or power of Section 60(3) can be interpreted or be used to work it as a Trojan horse, to secretly galvanize power of

execution for LARRA. Simply put, in principal, only such power can be regulated by procedure, which are conferred by the substantive Act.

186. Accordingly, for LARRA to exercise powers to execute its own award, it would require specific power to be conferred by the Act and such power of execution cannot be exercised under the guise of inherent powers, which in any case also needs to be specifically conferred and in the instant scheme of things it has not been provided by the Act of 2013. Thus to suggest that LARRA in terms of Section 60(1) and (3) has been conferred with much wider powers and it can execute its orders under the said powers or under its inherent powers is not an accurate enunciation of law.

Award being a Deemed Decree and its Effect:-

187. It was argued by the learned counsel on behalf of the Requiring Body (i.e. the petitioners) that as per the Act of 2013, the award passed by LARRA is deemed to be a decree as indicated in Section 70 of the Act of 2013. Hence, once the award matures in a decree, by legal fiction in terms of Section 70, then a decree is to be executed as per the provisions of the Code of Civil Procedure and in absence of any power conferred on LARRA, it can be done only by the Civil Court.

188. On the other hand, it was submitted on behalf of the land-owners that the very fact that the award is to be treated as a deemed decree, it would imply that it has finality attached to it and even though the proceedings before LARRA may be of summary nature, yet it would have a binding effect as a decree passed by a Court of law and this in

itself does not give any inference that the award has to be sent to the Civil Court for its execution.

189. In order to resolve this aspect of the matter, it would first be relevant to understand the concept of conferring a deeming status of a decree to an award.

190. Section 70 of the Act of 2013 states that the award passed by the Authority shall specify the amount awarded under Clause first of Section 28 and also the amount awarded under each of the other Clauses of the same sub-section together with the grounds of awarding each of the said amounts.

191. This Section 70(1) of the Act refers to Section 26 of the Act of 2013, which relates to the parameters to be considered by the Collector in determining the award. This only indicates that LARRA while making its award will take into consideration the parameters as set out in Section 26 of the Act of 2013, which have been followed by the Collector while making his award. In case, if LARRA comes to the conclusion that the amount awarded by Collector is not adequate then it has to power to give its own reasons and conclusions, which may result in enhancement of the compensation.

192. The purpose being that the award passed should be reasoned and speaking. This is necessary as reasons are considered to be a heartbeats of any judgment and order. It also gives a vital link to the reasoning to decipher what prevailed in the mind of the Authority while passing such an order. It also acts as a crucial bridge for the Appellate Forum to examine the reasons for the conclusion drawn by the Authority which in

turn assists the Appellate Authority to test the validity of the order under challenge.

193. It is actually sub-section (2) of Section 70 of the Act of 2013 which confers the status of a decree to the award by a deeming provision. It states that every award shall be '**deemed**' to be a decree and the award shall be a judgment within the meaning of Clause (2) and (9) of Section 2 of CPC. This provision employs a deeming provision.

194. It will be appropriate to refer to a decision of a Full Bench of this Court in **Kaushal Kishore** (supra) wherein the Full Bench taking aid of the decisions of the Apex Court considered the import of deeming fiction, in context with Section 52(1) of the U.P. Consolidation and Holdings Act, 1953 and the relevant portion, explaining the deeming provision, is being reproduced as under:-

> "168. Section 52 (2) does not only contain a non-obstante clause but it also has a deeming effect and thus it is to be given a strict meaning, as deeming provision cannot be liberally construed and it does not permit the Court to read something into the provision which is not envisaged as that would not only violate the provision but would also run contrary to the scheme of the Act and rob it of its finality.
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> 169. The scope of a deeming provision has been considered by the Apex Court in State of Punjab v. Davinder Singh, (2025) 1 SCC 1, Para-115 to 117 read as under :
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> "(b) Scope of deeming fiction
> 115. The use of the phrase "deemed to be" is not conclusive of a legal fiction. [See Consolidated Coffee Ltd. v. Coffee Board, (1980) 3 SCC 358, paras 11, 12; Bhuwalka Steel Industries Ltd. v. Union of India, (2017) 5 SCC 598, paras 36, 37, 43, 44] The word deemed is used for many purposes, such as for the artificial construction of a word and to clarify uncertain constructions, or plainly just to mean "regarded as being". [St. Aubyn v. Attorney General, 1952 AC 15 at p. 53 (HL) (Lord Radcliffe)] A legal fiction is essentially a presumption that certain facts which do not exist in fact, will be treated as real and existing for the purpose of law. Courts have evolved two principles on the operation of legal fictions. The first principle is that a legal fiction must be confined to its "legitimate field", for the specific purpose for which it was created. [Industrial Supplies (P) Ltd. v. Union of India, (1980) 4 SCC 341, para 25; K. Prabhakaran v. P. Jayarajan, (2005) 1 SCC 754, para 39 : 2005 SCC (Cri) 451; See Bengal Immunity Co. Ltd. v. State of Bihar, (1955) 6 STC 446 : 1955 SCC OnLine SC 2] In Bengal Immunity Co. Ltd. v. State

of Bihar (1955) 6 STC 446, a seven-Judge Bench of this Court held that legal fictions are created only for a certain purpose and they must be confined only to that "legitimate field". In its decision in that case, this Court held that the deeming fiction in the Explanation to Article 286(1)(a), before the Constitution (Sixth Amendment) Act, 1956, (by which a sale was deemed to have taken place in the State where the goods were delivered because of the direct sale) only applied to Article 286(1)(a) and not to Article 286(2). This Court held that the scope of Article 286(1)(a) which barred a State from imposing tax on sales outside the State, was different from the scope of Article 286(2) which stated that unless otherwise provided by law, State laws could not tax a sale or purchase which took place in the course of inter-State trade or commerce. [Bengal Immunity Co. Ltd. v. State of Bihar, (1955) 6 STC 446 : 1955 SCC OnLine SC 2:"… A legal fiction pre-supposes the correctness of the state of facts on which it is based and all the consequences which flow from that state of facts have got to be worked out to their logical extent. But due regard must be had in this behalf to the purpose for which the legal fiction has been created. If the purpose of this legal fiction contained in the Explanation to Article 286(1)(a) is solely for the purpose of sub-clause (a) as expressly stated it would not be legitimate to travel beyond the scope of that purpose and read into the provision any other purpose howsoever attractive it may be. The legal fiction which was created here was only for the purpose of determining whether a particular sale was an outside sale or one which could be deemed to have taken place inside the State and that was the only scope of the provision. It would be an illegitimate extension of the purpose of the legal fiction to say that it was also created for the purpose of converting the inter-State character of the transaction into an intra-State one. This type of conversion could not have been in the contemplation of the Constitution-makers and is contrary to the express purpose for which the legal fiction was created as set out in the Explanation to Article 286(1)(a)."

(emphasis supplied)

116. The second principle is that the scope of the legal fiction must be extended to the consequences which "logically" flow from its creation. The opinion of Lord Asquith in East End Dwellings Co. Ltd. v. Finsbury Borough Council [East End Dwellings Co. Ltd. v. Finsbury Borough Council, 1952 AC 109 (HL)] is the leading case for this proposition. The Law Lord observed that the effect of a legal fiction must not be limited to treating facts that do not exist as real but must be expanded to understand the effects and consequences that flow from the legal fiction. [East End Dwellings case, 1952 AC 109 at pp. 132-33 (HL):"If you are bidden to treat an imaginary state of affairs as real, you must surely, unless prohibited from doing so, also imagine as real the consequence and incidents which, if the putative state of affairs had in fact existed, must inevitably have flowed from or accompanied it. … The statute says that you must imagine a certain state of affairs; it does not say that having done so, you must cause or permit your imagination to boggle when it comes to the inevitable corollaries of that state of affairs." However, a law creating a deeming fiction cannot create presumptions in favour of a legal consequence but only presumptions about facts from which certain legal consequences may follow."

195. Keeping in mind that the Legislature has elevated the award of LARRA to a status of a decree, indicates that the award, minus the

deeming status, would otherwise have been bestowed with certain elements and to get over it the legislation had to resort to creating a deeming fiction. If the deeming provision had not been provided then the award would carry the bestowed elements with the award, as **(i)** that LARRA is not a Court; **(ii)** the proceedings before it is as per the Scheme of the Act of 2013, is summary in nature; **(iii)** The findings given therein is confined to the scope of the proceedings only, as mentioned in Section 51(1) and Section 64(1) of the Act of 2013; **(iv)** a dispute relating to apportionment as envisaged in Section 76 of the Act of 2013 is also referable to LARRA in terms of Section 76 of the Act of 2013 **(v)** the findings of the Authority relating to matters referred to its including apportionment, also, may be final in a limited sense **(vi)** LARRA being a quasi judicial authority and its findings may otherwise have limited binding force being a forum of limited jurisdiction and ordinarily may not be binding in a title or substantive proceedings before a Civil Court in terms of Section 9 CPC, which is Court of plenary jurisdiction.

196. Thus, to overcome this handicap and to bring in a finality to the award and minimizing the chance of challenge to the said award except in terms of the appellate hierarchy as envisaged in the Act of 2013, the deeming provision has been resorted to elevate the status of the award of LARRA to a decree, bringing in the force of finality, and it also imports a very crucial proposition that if the said award is not challenged as per the Scheme of the Act of 2013 then it would operate as *res-judicata* and would become final, which in turn would foreclose any chances of

challenge not only in the current times, but also circumvent emergence of disputes in future as well as give teeth of enforcement to such an award.

197. It is for the aforesaid reasons that law contemplates creating a deeming fiction to an award and raising its status to a decree for the benefit of achieving the core object including as sought to be achieved by the Act of 2013.

198. The result of the aforesaid discussion would be that when the law elevates an award to a deemed decree then it creates a legal fiction, which must be carried to its logical end but that by itself will not grant or confer any procedural or substantive powers to a Tribunal or an Authority, which explicitly lacks them.

199. In this context, it will be relevant to state that, had the Legislature intended the award which has been elevated to a status of a decree to be made executable by the Authority itself, nothing prevented the law framers from conferring specific powers of execution on the Authority itself which conspicuously is absent in the entire Scheme of Act of 2013.

200. Thus, to state that the award is a decree, hence, the Authority can execute it as a decree by resorting to Order XXI CPC may not be quite plausible especially in absence of any visible source of power conferred on LARRA for the aforesaid purpose.

<u>**Provisions of the Act to be Liberally Construed:-**</u>

201. Adjudication and execution are two separate substantive powers. It may be true that in order to make an Authority/Tribunal robust both the powers must and should be given to such a Tribunal but then it also

must be kept in mind that it is Legislature which enacts the Law and the Courts are required to interpret the Law. This necessarily leads to an inference that in order to interpret the power of a Court or Tribunal, there must be some genesis from which such power emanates.

202. Giving a liberal interpretation to a provision can be understood, if there is a source of power. Liberal construction or a strict construction is applicable only if a provision is present. In absence of the provision, there cannot be any liberal or strict construction of any provision so as to create a source of power by judicial interpretation.

203. Even if purposive interpretation is adopted, that purposive interpretation can be in respect of any particular section or an enabling provision, which may have more than one interpretation and in such circumstances, in case of ambiguity, a Court may interpret a provision and clarify the law.

204. Considering the submissions of the land-owners that the provisions of the Land Acquisition Act must be liberally construed in favour of land-owners, in case ambiguity. However, in absence of any source of power, a section cannot be interpreted liberally which in effect would amount to supplanting provisions or powers which have not been specifically conferred, as that would be against the settled canons of statutory interpretation.

205. In the instant case, the aim and object of the New Act of 2013 may be laudable and proceedings before LARRA may have been made easy by removing the shackles of technical Rules of procedure, which may have been attracted if the entire CPC was made applicable. However, at

the same time, it cannot be inferred by the Court by taking aid of tools of statutory interpretation to read something into the Act or infuse certain powers or enunciate such powers to be deemed to be present with the Authority, when the Act does not envisage as then it would be suggestive that a Constitutional Court has adopted a course which amounts to treading in an uncharted territory, which is not prudent nor it is based on sound cannons of interpretation of statutes.

206. What is the scope available for a Court to interpret any provision of an Act when it is faced with ambiguity, was considered by a Full Bench of this Court in **Onkar Nath Gaur v. District Magistrate, Lucknow : 2025 SCC OnLine All 3241**, wherein it was considering the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to ascertain whether the Maintenance Tribunal had the power to evict and in that context, it was noted as under:-

> "148. It is true that the Act of 2007 is a social beneficial legislation for the senior citizens/parents and it should be construed liberally in their favour yet it also must be kept in mind that the rules of interpretation do not give right to the Court to read into a legislation or a provision of the Act a power which otherwise is conspicuously absent as shall be evident from the reading of the scheme of the Act and the rules framed thereunder.
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> 149. It is now well settled that the courts do not legislate rather it interprets the law. Even though, the Act of 2007 is a social beneficial legislation but it cannot be lost sight off that the courts do not read something into the Act which has not been provided. It is the golden rule of intrepretation of statute that the Act must be read in the manner with all the words and provisions and to make it workable keeping in mind that all the sections are given full effect and no provisions as far as possible is made redundant or superfluous.
>
> 150. The court may be tempted to read something into the Act by invoking the doctrine of Casus Omissus but even to do so even in a social beneficial legislation, while taking an approach of purposive interpretation, there are guidelines and unless the said guidelines are attracted, the court under the cloak of exercising the power of interpretation is not empowered to re-write the law. In Union of India v. Deoki Nandan Aggarwal, 1992 Supp (1) SCC 323, the Apex Court has held as under:—

"14. We are at a loss to understand the reasoning of the learned Judges in reading down the provisions in paragraph 2 in force prior to November 1, 1986 as "more than five years" and as "more than four years" in the same paragraph for the period subsequent to November 1, 1986. It is not the duty of the court either to enlarge the scope of the legislation or the intention of the legislature when the language of the provision is plain and unambiguous. The court cannot rewrite, recast or reframe the legislation for the very good reason that it has no power to legislate. The power to legislate has not been conferred on the courts. The court cannot add words to a statute or read words into it which are not there. Assuming there is a defect or an omission in the words used by the legislature the court could not go to its aid to correct or make up the deficiency. Courts shall decide what the law is and not what it should be. The court of course adopts a construction which will carry out the obvious intention of the legislature but could not legislate itself. But to invoke judicial activism to set at naught legislative judgment is subversive of the constitutional harmony and comity of instrumentalities. Vide P.K. Unni v. Nirmala Industries, (1990) 2 SCC 378, Mangilal v. Suganchand Rathi, AIR 1965 SC 101, Sri. Ram Ram Narain Medhi v. State of Bombay, AIR 1959 SC 459, Hira Devi (Smt) v. District Board, Shahjahanpur, (1952) 2 SCC 154, Nalinakhya Bysack v. Shyam Sunder Haldar, (1953) 1 SCC 167, Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha, (1980) 2 SCC 593, G. Narayanaswami v. G. Pannerselvam, (1972) 3 SCC 717, N.S. Vardachari v. G. Vasantha Pai, (1972) 2 SCC 594, Union of India v. Sankal Chand Himatlal Sheth, (1977) 4 SCC 193 and CST v. Auriaya Chamber of Commerce, Allahabad, (1986) 3 SCC 50. Modifying and altering the scheme and applying it to others who are not otherwise entitled to under the scheme, will not also come under the principle of affirmative action adopted by courts sometimes in order to avoid discrimination. If we may say so, what the High Court has done in this case is a clear and naked usurpation of legislative power."

151. In Maulavi Hussein Haji Abraham Umarji v. State of Gujarat, (2004) 6 SCC 672, the Apex Court has held as under:—

"17. Words and phrases are symbols that stimulate mental references to referents. The object of interpreting a statute is to ascertain the intention of the legislature enacting it. (See Institute of Chartered Accountants of India v. Price Water house, [(1997) 6 SCC 312 : AIR 1998 SC 74].) The intention of the legislature is primarily to be gathered from the language used, which means that attention should be paid to what has been said as also to what has not been said. As a consequence, a construction which requires for its support, addition or substitution of words or which results in rejection of words as meaningless has to be avoided. As observed in Crawford v. Spooner, [(1846) 6 Moo PC 1 : (1946-50) 4 Moo IA 179], courts cannot aid the legislatures' defective phrasing of an Act, we cannot add or mend, and by construction make up deficiencies which are left there. (See State of Gujarat v. Dilipbhai Nathjibhai Patel, [(1998) 3 SCC 234 : 1998 SCC (Cri) 737 : JT (1998) 2 SC 253].) It is contrary to all rules of construction to read words into an Act unless it is absolutely necessary to do so. [See Stock v. Frank Jones (Tipton) Ltd., [[1978] 1 All ER 948 : [1978] 1 WLR 231 (HL)]] Rules of interpretation do not permit courts to do so, unless the provision as it stands is meaningless or of doubtful meaning. Courts are not entitled to read words into an Act of Parliament unless clear reason for it is to be found within the four corners of the Act itself. (Per Lord Loreburn, L.C. in Vickers Sons and Maxim Ltd. v. Evans, [[1910] A.C. 444 : 79 LJKB 954 (HL)] quoted in Jumma Masjid v. Kodimaniandra Deviah, [AIR 1962 SC 847].)

18. The question is not what may be supposed and has been intended but what has been said. “Statutes should be construed, not as theorems of Euclid”, Judge Learned Hand said, “but words must be construed with some imagination of the purposes which lie behind them”. (See Lenigh Valley Coal Co. v. Yensavage, [218 FR 547].) The view was reiterated in Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama, [(1990) 1 SCC 277 : AIR 1990 SC 981] (SCC p. 284, para 16).

19. In D.R. Venkatachalam v. Dy. Transport Commr., [(1977) 2 SCC 273 : AIR 1977 SC 842] it was observed that courts must avoid the danger of a priori determination of the meaning of a provision based on their own preconceived notions of ideological structure or scheme into which the provision to be interpreted is somewhat fitted. They are not entitled to usurp legislative function under the disguise of interpretation.

20. While interpreting a provision the court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of the process of law, it is for the legislature to amend, modify or repeal it, if deemed necessary. (See CST v. Popular Trading Co., [(2000) 5 SCC 511]) The legislative casus omissus cannot be supplied by judicial interpretative process.

21. Two principles of construction — one relating to casus omissus and the other in regard to reading the statute as a whole — appear to be well settled. Under the first principle a casus omissus cannot be supplied by the court except in the case of clear necessity and when reason for it is found in the four corners of the statute itself but at the same time a casus omissus should not be readily inferred and for that purpose all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the legislature. “An intention to produce an unreasonable result”, said Danckwerts, L.J., in Artemiou v. Procopiou, [[1966] 1 Q.B. 878 : [1965] 3 All ER 539 : [1965] 3 WLR 1011 (CA)] (All ER p. 544 I), “is not to be imputed to a statute if there is some other construction available”. Where to apply words literally would “defeat the obvious intention of the legislation and produce a wholly unreasonable result”, we must “do some violence to the words” and so achieve that obvious intention and produce a rational construction. [Per Lord Reid in Luke v. IRC, [[1963] A.C. 557 : [1963] 1 All ER 655 : [1963] 2 WLR 559 (HL)] where at AC p. 577 he also observed : (All ER p. 664 I) “This is not a new problem, though our standard of drafting is such that it rarely emerges.”]

22. It is then true that,

“when the words of a law extend not to an inconvenience rarely happening, but due to those which often happen, it is good reason not to strain the words further than they reach, by saying it is casus omissus, and that the law intended quae frequentius accidunt”.

“But”, on the other hand, “it is no reason, when the words of a law do enough extend to an inconvenience seldom happening, that they should not extend to it as well as if it happened more frequently, because it happens but seldom” (see Fenton v. Hampton, [(1858) 11 Moo PC 347 : 6

> WR 341]). A casus omissus ought not to be created by interpretation, save in some case of strong necessity. Where, however, a casus omissus does really occur, either through the inadvertence of the legislature, or on the principle quod semel aut bis existit proetereunt legislators, the rule is that the particular case, thus left unprovided for, must be disposed of according to the law as it existed before such statute — casus omissus et oblivioni datus dispositioni communis juris relinquitur; "a casus omissus", observed Buller, J. in Jones v. Smart, [(1785) 1 TR 44 : 99 ER 963] (ER p. 967), "can in no case be supplied by a court of law, for that would be to make laws"."

Notification Dated 22.08.2022:-

207. Now, lets examine the notification dated 04.08.2022, which was pointed out by Shri Kshemendra Shukla, learned counsel for the land owners, which was quoted in the decision in **Chandrabhan Yadav** (supra). Since, the aforesaid decision has been relied upon by the land-owners as well as to Additional Advocate General for the State, hence, to achieve twin purpose of considering the relevant notifications and G.O. and also what the Division Bench has held, accordingly, the full text of the order is being reproduced as under:-

> "1. Heard Sri Indresh Kumar, learned counsel for the petitioner and Sri Akhileshwar Singh, learned Additional Chief Standing Counsel on behalf of the State respondents.
>
> 2. The instant writ petition is preferred for a direction commanding the District Magistrate, Sant Kabir Nagar/Respondent no. 2 to pass award pursuant to order dated 29.08.2025 passed by the learned Land Acquisition, Rehabilitation and Resettlement Tribunal, Basti in Reference No. 05 of 2024 (Chandrabhan Yadav Versus State of U.P.) expeditiously.
>
> 3. At the outset, learned Additional Chief Standing Counsel for the State respondents has raised an objection qua maintainability of the writ petition on the premise that Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short the 'Act, 2013') itself is self contained Code. Against the order passed by the learned Land Acquisition, Rehabilitation and Resettlement Tribunal, Basti, efficacious remedy is to press the relief under Section 70 of the Act, 2013.
>
> 4. We have considered the rival submissions and perused the provisions contained under Section 70 of the Act, 2913. For ready reference Section 70 is hereby reproduced as under:-
>
> **"70. Form of award.**–(1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify

the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908 (5 of 1908)."

5. What we find that Sub-Section (2) of Section 70 provides that every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908."

6. Learned Additional Chief Standing Counsel has also placed before the Court the Notification dated 04.08.2022 issued by the U.P. Government, Rajaswa Anbhag-13; Letter issued by the Under Secretary, U.P. Government dated 21.02.2024 to the Registrar General, High Court, Allahabad and the Circular dated 17.05.2024 issued by the Registrar General, High Court, Allahabad regarding power to here all matter (including execution matters) related to Land Acquisition Act, 1894 by Presiding Officer of the Land Acquisition, Rehabilitation and Resettlement Authorities established in the State of Uttar Pradesh. For ready reference Notification dated 04.08.2022; Letter dated 21.02.2024 and Circular dated 17.05.2024 respectively are being quoted herein below:-

"Uttar Pradesh Shasan
Rajaswa Anubhag-13

In pursuance of the provisions of clause(3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Notification no. 5/2022/126/Ek-13-2022-1-13099/3630/2020 dated 04 August, 2022:

Notification No.-
5/2022/126/Ek-13-2022-1-13099/3630/2020
Lucknow, Dated 04 August, 2022

In exercise of the powers conferred under clause (d) of section 3 of the Land Acquisition Act, 1894 (Act No. 1 of 1894) (hereinafter referred to as the said Act), the Governor hereby appoints presiding Officers of the Land Acquisition, Rehabilitation and Resettlement Authorities constituted under section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as special judicial officers to perform functions of the Court under the said Act with respect to pending cases under the said Act within limits of the jurisdiction of the Authority of which they act as presiding officers.

By Order,
(Sudhir Garg)
Principal Secretary."

"संख्या-22/एक-13-2024-7क101/2014

घनश्याम चतुर्वेदी,

अनु सचिव,

उत्तर प्रदेश शासन।

सेवा में,

महानिबंधक

उच्च न्यायालय इलाहाबाद।

राजस्व अनुभाग-13 लखनऊः दिनांक 21 फरवरी, 2024

विषयः- Execution (इजराय) मुकदमों केनिस्तारण के सम्बन्ध में।

महोदय,

उपर्युक्त विषय सेसंबंधित शासन स्तर पर अनेक अनुरोध/प्रस्ताव प्राप्त हो रहेहैं कि जनहित मेंभूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन प्राधिकरण (LARRA) को Execution (इजराय) द्वारा मुकदमों की सुनवाई का अधिकार प्रदान करनेअथवा पुनः Execution (इजराय) मुकदमों को संबंधित माननीय सत्र न्यायालय में स्थानांतरित करने केलिए संबंधित को निर्देशित कर दिया जाए।

2- इस संबंध मेंउल्लेख करना हैकि शासन द्वारा निर्गत अधिसूचना दिनांक 04-08-2022 केद्वारा भूमि अर्जन अधिनियम 1894 की धारा 3 के खंड (घ) के अधीन प्रदत्त शक्तियों का प्रयोग करके भूमि अर्जन अधिनियम 1894 के अधीन लंबित सभी प्रकार के मामले/केस, भूमि अर्जन अधिनियम 1894 के अधीन न्यायालय के कृत्यों का निष्पादन करनेकेलिए भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन मेंउचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 की धारा 51 के अधीन गठित भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन प्राधिकरणों के पीठासीन अधिकारियों को अधिकारिता प्रदान की गई ह।

3- उपरोक्त सेस्पष्ट हैकि भूमि अर्जन अधिनियम 1894 के अधीन लंबित सभी प्रकार के प्रकरण (जिसमें निष्पादन (Execution) बाद भी स्वतः सम्मिलित हैं) हैं केसंबंध मेंभूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन प्राधिकरणों के पीठासीन अधिकारियों को अधिकारिता प्रदान की जा चुकी ह।

कृपया तदनुसार कार्यवाही कराने का कष्ट करें।

भवदीय,
(घनश्याम चतुर्वेदी)
अनु सचिव

<u>संख्या एवं दिनांक उपरोक्तानुसार।</u>

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हतु प्रेषितः-

1. प्रमुख सचिव, न्याय एवं विधि परामर्शी, उ०प्र० शासन।"

"From:
Rajeev Bharti, HJS
Registrar General
High Court of Judicature at Allahabad.

To,

> 1.) All the District & Sessions Judges/OSD
> 2.) All the Presiding Officers,
> Land Acquisition, Rehabilitation & Resettlement Authorities, State of Uttar Pradesh.
>
> C.L.No. 11/LARRA/Admin.(A-3)/Allahabad; Dated: 17.05.2024.
>
> Subject:- Regarding power to hear all matter (including execution matters) related to Land Acquisition Act, 1894 by Presiding Officer of the Land Acquisition, Rehabilitation and Resettlement Authorities established in the State of Uttar Pradesh.
>
> Sir/Madam,
>
> On the above noted subject, I have been directed to say that upon consideration of G.O. No. 22/Ek-13-2024-7Ka/2014 dated 21.02.2024, the Hon'ble Court has been pleased to direct all concerned to take necessary steps to ensure strict compliance of the aforesaid G.O. dated 21.02.2024 issued with regard to power to here all matters (including execution matters) related to Land Acquisition Act, 1894 by Presiding Officer of the Land Acquisition, Rehabilitation and Resettlement Authorities established in the State of Uttar Pradesh.
>
> I, am therefore to enclose herewith the copy of G.O. No. 22/Ek-13-2024-7Ka/2014 dated 21.02.2024 dated 21.02.2024 with the request to ensure strict compliance of the orders of Hon'ble Court at your end, in letter and spirit.
>
> With regards
>
> Yours sincerely,
>
> Registrar General"
>
> 7. Upon perusal of the notification, it is apparent that the jurisdiction of execution has also been provided to the Presiding Officers of LARRA Court. Therefore, there is an alternative remedy available to the petitioner in the instant case.
>
> 8. In view of the objection so raised on account of the efficacious alternative remedy, we are not inclined to entertain the instant writ petition.
>
> 9. With the aforesaid observation, the instant writ petition stands disposed of."

208. Upon perusal of the aforesaid quoted order, it would reveal that the purpose for which the notification dated 04.08.2022 was issued was only to confer power on the judicial officer performing functions under the Act of 2013, to exercise powers to execute the award passed under the Act of 1894. However, this in itself cannot be construed to mean that

LARRA would have the power under the Act of 2013 to execute its own award.

209. Having said that, it may also be noticed that the notification dated 04.08.2022 has been issued by the State under exercise of power, in terms of Section 3(d) of the Act of 1894 and not under the New Act of 2013. With due respect, this Court is unable to ignore the language of the said notification for the reason that with the advent of the Act of 2013 on 01.01.2014, the Act of 1894 stood repealed as per Section 114 of the Act of 2013. Ergo, the notification dated 04.08.2022 (issued after eight years) stating that it has been issued in the exercise of power under the Old Act of 1984 to appoint Presiding Officer of LARRA as Special Judicial Officer to perform function of the Court under the Old Act in respect of pending cases under the Old Act of 1894 appears to be dobateable. Moreover, a Division Bench of this Court in **Lohia Developers (India) Pvt. Ltd. v. State of U.P. and others : 2026:AHC-LKO-42899-DB** while dealing with the provisions of the Old Act of 1984 and the Act of 2013 held in Para-43 that once the Old Act was repealed, then after the said date any action under the repealed Act would be void and of no consequence.

210. However, as the validity of the said notification is not under challenge, hence, this Court refrains from commenting any further and leaves it at that. Be that as it may, the decision of **Chandrabhan Yadav** (supra) has not laid down any law which may impact the issue being considered at hand nor the said notification has any relevance for the

purposes of deciding the core issue involved in these petitions, thus, the said decision does not help either the State or the land-owners.

<u>A Quick Look at the Various Acts to ascertain Whether an Authority or a Quasi Judicial Body can Execute its own Order or Award without the Act Bestowing Such Powers</u>:-

211. At this stage, it will be relevant to consider the Scheme of some of the Acts, which have been referred to by the learned counsel for the respected parties to buttress their respective points of view.

(a) <u>Railway Claims Tribunal Act, 1987</u>

212. Taking a glance of the Railway Claims Tribunal Act, 1987 (for short, 'the Act of 1987'), it would indicate that it was enacted to expedite the claims, which prior to the promulgation of the Railway Claims Tribunal Act, 1987 used to be tried by the Claims Commissioner. Section 15 of the Act of 1987 creates a bar of jurisdiction for any Authority or the Court to take cognizance of any matter, which falls within the jurisdiction of the Railway Claims Tribunals as indicated in Section 13 of the Act of 1987.

213. What is important to note that Section 60(1)(g) of the Act of 2013 is identical to Section 18(3)(i) of the Act of 1987. This refers to conferring power other than enumerated in the said Sections, that is to say, that an Authority under the Act of 2013 and the Railways Claims Tribunal under the Act of 1987, both can exercise additional powers, which may not have been enumerated in the said Section and the Clauses mentioned therein, but such additional powers can be exercised only if it is so prescribed in law.

214. From this point onwards, there is a divergence in the two Acts in as much as Section 22 of the Act of 1987 specifically confers powers of execution on the Railway Claims Tribunal. For better understanding, it will be appropriate to reproduce Section 22 of the Act of 1987, which reads as under:-

> "**22. Execution of orders of Claims Tribunal.**-(1) An order made by the Claims Tribunal under this Act shall be executable by the Claims Tribunal as a decree of Civil Court and, for this purpose, the Claims Tribunal shall have all the powers of a Civil Court.
> (2) Notwithstanding anything contained in sub-section (1), the Claims Tribunal may transmit any order may by it to a Civil Court having local jurisdiction and such Civil Court shall execute the order as if it were a decree made by that Court."

215. From the perusal of the aforesaid Section 22, it would be clear that the Act conferred power on the Railway Claims Tribunal to execute the award made by the Railway Claims Tribunal as if it was a decree of the Civil Court and for the said purpose, the Claims Tribunal would be considered to have all the powers of the Civil Court.

216. What is more important, is the expression and the conferment of the power on the Railway Claims Tribunal in context with sub-section (2) of Section 22 of the Act of 1987. This assumes significance for the reason that despite having conferred the power in Sub-section (1), sub-section (2) opens with a *non-obstante* clause indicating that though the Claims Tribunal has immense powers to execute its award, yet in case if the Tribunal feels short of any power for any reason whatsoever, it still has an additional power to transmit the award to the appropriate Civil Court for its execution.

217. Apart from the aforesaid explicit provisions, the Railway Claims Tribunal (Procedure) Rules, 1989 have also been enacted in terms of the

rule making power as conferred under Section 30 of the Act of 1987. Several procedure Rules have been framed under the Rules of 1989. In this context, Rules 5 to 35 will indicate that though substantive provisions were made in the Act of 1987, yet for ease of functioning and to bring in uniformity backed by judicial and legal framework, the Rules of 1989 were framed. In this context, Rule 31-A to Rule 31-C will be important and the same is being reproduced hereinafter for ready reference:-

> "**31-A. Execution of order.**-An order of the Tribunal may be executed by the Bench which pass it if the respondent is within the territorial jurisdiction of the said Bench or by any other Bench or Court to which it is sent for execution, when the respondent is having his office within the territorial jurisdiction of such Bench or Court, as the case may be.
>
> **31.-B. Application for execution.**-For execution the holder of an order shall make an application to the Tribunal in Form IX.
>
> **31.-C. Issue of process of execution.**-(1) On receipt of an application under rule 31-B, the Tribunal shall issue a process for execution of its order in Form X.
>
> (2)The Tribunal shall consider objection, if any, raised by the respondent and make such order as it may deem fit and shall issue attachment or recovery warrant in Form XI and XII, as the case may be."

218. These Rules have been quoted above to explain that once substantive power of execution has been conferred then under the procedure rules, such powers can be regulated.

(b) U.P. Public Services (Tribunal) Act, 1976

219. In the same context, it would be appropriate to examine the provisions of the U.P. Public Services (Tribunal) Act, 1976 (for short, 'the Act of 1976'). It may be relevant to state that prior to the promulgation of the U.P. Public Services (Tribunal) Act, 1976, the disputes relating to service of employees of the State were also cognizable and decided by the Civil Courts. The powers and procedure

of the Tribunal have been provided in Section 5 of the Act of 1976, which also is somewhat similar to Section 60 of the Act of 2013.

220. More particularly, sub-section (5) of Section 5 of the Act of 1976 may be seen in context with Sections 60(1) and (3) of the Act of 2013. What is further relevant to notice that sub-section (7) of Section 5 of the Act of 1976 confers the power of execution to the Tribunal and for clarity, sub-section (7) of Section 5 of the Act of 1976 is being reproduced hereinafter:-

> "Section 5: x x x
> (7) <u>The order of the Tribunal finally disposing of a reference shall be executed in the same manner in which any final order of the State Government or other authority or officer or other person competent to pass such order under the relevant service rules as to redressal of grievances in any appeal preferred or representation made by the claimant in connection with any matter relating to his employment to which the reference relates would have been executed</u>."

221. What is being noticed is the fact that wherever a Tribunal has been constituted, which is conferred with the adjudicatory provisions, but for the purposes of execution, separate powers have been conferred on such a Tribunal or Authority.

(c) <u>The Real Estate (Regulation and Development) Act, 2016</u>

222. In continuation, relatively a new Act i.e. The Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the Act of 2016') confers the powers on the Real Estate Regulatory Authority (hereinafter referred to as 'RERA') and Real Estate Appellate Tribunal (hereinafter referred to as 'REAT').

223. In this context, the provisions contained in Sections 31 to 40 may be taken note of which would indicate that amongst the powers

conferred on RERA, it has been conferred the power to get its orders implemented. This shall be clear from Section 40, which reads as under:-

> "**40. <u>Recovery of interest or penalty or compensation and enforcement of order, etc.-</u>**<u>(1) If a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Authority, as the case may be, under this Act or the rules and regulations made thereunder, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue.</u>
>
> <u>(2) If any adjudicating officer or the Regulatory Authority or the Appellate Tribunal, as the case may be, issues any order or directs any person to do any act, or refrain from doing any act, which it is empowered to do under this Act or the rules or regulations made thereunder, then in case of failure by any person to comply with such order or direction, the same shall be enforced, in such manner as may be prescribed.</u>"

224. The powers of the Appellate Tribunal i.e. REAT have been enumerated in Section 53 of the Act of 2016 and it would indicate that Section 53 of the Act of 2016 is very similar to Section 60 of the Act of 2013. Section 57 of the Act of 2016 confers power of execution to the Appellate Tribunal and for clarity, Section 57 of the Act of 2016 is being reproduced hereinafter:-

> "**<u>57. Orders passed by Appellate Tribunal to be executable as a decree.-</u>**<u>(1) Every order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.</u>
>
> <u>(2)Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by the court.</u>"

225. From the perusal of Section 57 of the Act of 2016, as quoted above, it would also indicate that its language is almost identical to the provisions contained in Section 22 of the Act of 1987 and yet specific powers of execution have been explicitly provided by the Act.

(d) <u>Uttar Pradesh Cooperative Societies Act, 1965</u>

226. Another Act, which can be gainfully noted is the Uttar Pradesh Cooperative Societies Act, 1965 (for short, 'the Act of 1965'). It being a State Act, it in Chapter-IX provides for settlement of disputes under Sections 70 and 71 of the Act of 1965 and the nature of disputes which can be referred and decided under the Act of 1965, can be seen. The Act also confers specific powers under Chapter-XII between Sections 91 to 95-A. Chapter-XIII deals with the appeals and reviews and Sections 96 to 102 relates to it. Significantly, Section **109** of the Act of 1965 refers to the powers of the Civil Court, which have been conferred onto the Tribunal and upon the Arbitrator. Section **111** bars the jurisdiction of the Court in respect of certain aspects of the matter, which have been enumerated in the said Section.

227. The aforesaid Scheme of the Act of 1965 clearly confers powers on the Authority of execution and in the aforesaid context, the U.P. Cooperative Societies Rules, 1968 (for short, 'the Rules of 1968') have also been promulgated. Under Chapter XVIII of the Rules of 1968, Rules relating to settlement of disputes have been framed. Matters relating to appeals and reviews before the Tribunal is provided under Chapter-XIX of the Rules of 1968. <u>Chapter-XXII of the Rules of 1968 clearly provides for execution of awards, decrees, orders and decisions. Rules 312 to 354 of the Rules of 1968 are exhaustive and it confers all sort of powers including attachment of property amongst others</u>.

(e) <u>The Motor Vehicles Act, 1988</u>

228. In this context, the Motor Vehicles Act, 1988 (for short, 'the Act of 1988') may also be taken note of. The Act in Chapter XII envisages

creation of Claims Tribunal and in this context, **Section 165 to 176** are relevant. In terms of **Section 168**, the Claims Tribunal makes its award and **sub-section (3) of Section 168** specifically provides that a person, who is required to pay any amount under the award shall within 30 days of the pronouncement of the award by the Claims Tribunal deposit the same before the Claims Tribunal directly. **Section 174** of the Act of 1988 provides for a mode of recovery and for the sake of convenience, Section 174 is being reproduced hereinafter:-

> "**174. Recovery of money from insurer as arrear of land revenue.**- Where any amount is due from any person under an award, the Claims Tribunal may, on an application made to it by the person entitled to the amount, issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue."

229. Thus, under the aforesaid Act too, powers have been speicifically provided to the Tribunal to implement its own award.

(f) The Uttar Pradesh State University Act, 1973

230. If the Uttar Pradesh State University Act, 1973 is taken note of, it would reveal that Section 68-A envisages the conferment of powers on the Vice Chancellor and power to enforce such orders against the Management. Section 68-A is being reproduced hereinafter for ease of reference:-

> "**68-A. Power of Vice-Chancellor to enforce his order against Management.**-(1) Where a decision of the Management of an affiliated or associated college to dismiss, remove or to reduce a teacher in rank or to punish him in any other manner or to terminate his services, has not been approved by the Vice-Chancellor or where an order of suspension of such teacher has been stayed, revoked or modified by the Vice-Chancellor in accordance with the provisions of this Act or of an Act repealed by Section 74, and the Management has committed default in paying the salary of such teacher which became due to him in consequence of the Vice-Chancellor's order, the Vice-Chancellor may pass an order, requiring the Management to pay the amount of salary as may be specified in the order and during the period of suspension, may also require the

management to pay the suspension allowance at the rate of one-half of the salary payable, if the said amount has not been paid.

(2) <u>In any such case as is referred to in sub-section (1), the Vice-Chancellor may also order reinstatement of the teacher concerned subject to such terms and the conditions as he thinks fit</u>.

(3) <u>The amount of salary or suspension allowance required to be paid under an order of the Vice-Chancellor under sub-section (1) shall on a certificate issued by him to the effect, be recoverable by the Collector as arrears of land revenue</u>.

(4) <u>Every order of .he Vice-Chancellor under sub-section (2) shall be executable by the lowest Civil Court having territorial jurisdiction, as if it were a decree of that Court</u>.

(5) <u>No suit shall lie against any Management or teacher in respect of any matter for which a relief can be granted by the Vice-Chancellor under this Section</u>."

231. Significantly, Section 68-A(4) clearly states that the order of the Vice Chancellor passed under sub-section (2) of the said provisions shall be executable by the lowest Civil Court having territorial jurisdiction as if as were a decree of a Court.

232. The language used is indicative of the mandate that even though the Vice Chancellor may not be a Court, yet powers have been conferred upon it to adjudicate certain matters. In such circumstances, where any order is passed by the Vice Chancellor which requires enforcement, then it has to be sent to the lowest Civil Court having territorial jurisdiction for the purposes of enforcement. Sub-section (4) of Section 68-A also creates a fiction that the order of the Vice Chancellor would be executed by the Civil Court '**as if**' (emphasis supplied) were a decree of that Court. The use of the word 'as if' is nothing, but an expression to confer a deeming status to the order passed by the Vice Chancellor to be treated as a decree.

(g) <u>The Arbitration and Conciliation Act, 1996</u>

233. Under the Arbitration and Conciliation Act, 1996 (for short, 'the Act of 1996') an award passed by an Arbitrator is also treated as a deemed decree in terms of Section 36 of the Act of 1996 and for the sake of clarity, Section 36 of the Act of 1996 is being reproduced hereinafter for ready reference:-

> "**<u>Section 36. Enforcement</u>** <u>-(1) Where the time for making an application to set aside the arbitral award under section 34 has expired, then, subject to the provisions of sub-section (2), such award shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908, in the same manner as if it were a decree of the court</u>.
>
> (2) Where an application to set aside the arbitral award has been filed in the Court under section 34, the filing of such an application shall not by itself render that award unenforceable, unless the Court grants an order of stay of the operation of the said arbitral award in accordance with the provisions of sub-section (3), on a separate application made for that purpose.
>
> (3) Upon filing of an application under sub-section (2) for stay of the operation of the arbitral award, the Court may, subject to such conditions as it may deem fit, grant stay of the operation of such award for reasons to be recorded in writing:
>
> Provided that the Court shall, while considering the application for grant of stay in the case of an arbitral award for payment of money, have due regard to the provisions for grant of stay of a money decree under the provisions of the Code of Civil Procedure, 1908.]
>
> [Provided further that where the Court is satisfied that a *prima facie* case is made out that, -
>
> (a) the arbitration agreement or contract which is the basis of the award; or
> (b) the making of the award,
>
> was induced or effected by fraud or corruption, it shall stay the award unconditionally pending disposal of the challenge under section 34 to the award.
>
> *Explanation.* - For the removal of doubts, it is hereby clarified that the above proviso shall apply to all court cases arising out of or in relation to arbitral proceedings, irrespective of whether the arbitral or court proceedings were commenced prior to or after the commencement of the Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016).]"

234. **Section 19** of the Act of 1996 clearly states that the proceedings before the Arbitral Tribunal shall not be bound by the CPC as well as the

Indian Evidence Act. **Section 35** of the Act of 1996 gives the award statutory support for it to be final and binding on the parties. Section 36 of the Act of 1996 clearly provides for its enforcement and the award has been elevated to be a decree of a Court. For the sake of clarity Section 35 of the Act of 1996 is being reproduced hereinafter for ready reference:-

> "**35. Finality of arbitral awards.**-Subject to this Part an arbitral award shall be final and binding on the parties and persons claiming under them respectively."

235. Under the Act of 1996 where an award of a private forum i.e. the Arbitral Tribunal has been given statutory support of finality and making it binding on the parties and in furtherance thereof, the award has been transformed by deeming fiction to a decree of a Court which is to be executed in terms of CPC and in this context the award for its execution is to be presented before the Court as defined in Section 2(e) of the Act of 1996, which would be a principal Judge of original civil jurisdiction.

236. Thus, after visiting the various Acts and considering the provisions, as noted above, it would be clear that wherever the Legislature intended to confer the power of execution with the Authority/Court/Tribunal, it has made specific provisions in this regard.

K. CAPSULIZING AND SOLUTIONS:-

237. After having made a threadbare analysis of the statutory provisions and comprehensive discussions as noted above, it unveils that the power of execution has not been conferred nor any Rules for it have been framed under the Rule making power, hence, the power of execution cannot be read into a statute and so also for LARRA. Having

said so, it does not imply that a person is left remediless, rather in law, it is clearly inferable that an award passed by LARRA attains the status of a deemed decree and the said deemed decree becomes executable and for the said purpose execution will have to be done by the Court of Competent jurisdiction i.e. the District Court which has all the judicial and legal wherewithal and logistics including coercive powers to get the decree executed.

238. It may also be clarified that, District Court entitled to execute the award would be the Court of Principal Court of Original Civil Jurisdiction i.e. the District Judge. It would be seen that LARRA is constituted and manned by a Judicial Officer of the rank of District Judge or a legal practitioner having a practice of not less than seven years, which makes him eligible and thus an award passed would be executed by a Court of similar status and grade and thus it would be the District Judge and not any Court lower in the hierarchy of District Judge.

239. At this stage, it will also be relevant to clarify that merely because the award attains the status of a decree which may be presented before the District Court for its execution, if so required, but the Court which executes the decree is merely the executory arm and it confines itself to execution only and does not adopt the adjudicatory powers and role of an Executing Court envisaged under the CPC. Hence, the said Court executing a decree would not entertain a challenge to the said award of LARRA on merits by going behind it or on grounds akin to ones expressed in Section 47 CPC or other like adjudicating provisions in terms of Order XXI CPC.

240. Thus, under the Act of 2013, once the award attains the status of a deemed decree and is presented before the District Court for its enforcement, then it is only the enforcement part which is to be carried out by the District Court and it does not include the power to adjudicate. At best all that can be considered by the Court executing the LARRA award, is just the procedural infraction of any provisions used by the Executing Court itself to get the award executed. It is prevented from entertaining any objection which in any way is substantive in nature and may impact the adjudication made by LARRA as the award is only subject to challenge and that too as per the hierarchy of appeal as provided in the Act of 2013.

241. Moreover, where the proceedings of reference under the Act of 2013 is summary in nature (as per procedure) then it would be paradoxical to suggest that for execution all rigorous of Order XXI CPC would be applicable and it would lead to a situation such as, what was gained by one hand by the New Act is lost by the other hand by making the award subject to all formal and technical rules of procedure. Surely, this cannot be intent of Law.

242. Moreover, any objection on merits, entertained directly or indirectly impacting the award during execution by the District Court, would breach the bar of jurisdiction which is not permissible, hence, would make the action of the Executing Court contrary to law and would be hit by Section 63 of the Act of 2013.

243. Thus, the fringe submissions of the learned counsel for the requiring body that while the award needs to be sent to the Civil Court

for execution and the Civil Court would execute it including by entertaining objections under Section 47 CPC is not envisaged under the Scheme of the Act and the said contention to the aforesaid effect cannot be accepted and is turned down.

244. This Court would be failing in its duty, if it ignores one more crucial aspect of the matter though it was not argued to its full extent by learned counsel for the respective parties, though it was submitted by Shri Awasthi, that once the award is a deemed decree then its execution is to be done as per the CPC and no other forum except the Civil Court would execute it alongwith the applicability of Order XXI CPC.

245. A citizen of this country has precious rights in ones property which is recognized by Article 300-A of the Constitution of India. If the land of a citizen is acquired and only such compensation is given which is as per the awared of the Collector and if the very same land owner, upon contesting a reference, in a summary proceedings before LARRA succeeds and then for recovery of the enhanced compensation or enforcement of such award, he has to run from pillar to post, such cannot be the intent of the State as laudable objects are enumerated and as reflected from the statement, objects and reasons of the Act of 2013, which have been specifically noted hereinbefore.

246. As per the Scheme of the Act, the award passed by LARRA can be challenged by filing an appeal, but once the award, attains finality, then the amount gets crystallized or the issue relating to rehabilitation and resettlement also gets settled and such rights and compensation is primarily enforceable against the State and its instrumentalities, who

may even be the Requiring Body and such entities may fall within the ambit of the word 'State' in terms of Article 12 of the Constitution of India. In such circumstances, the State/the Requiring Body cannot ignore their obligations and they do not get any special status as in terms and Scheme of the Act, they are not expected to delay the payment of compensation to the land-owners. The Act of 2013, inter alia, talks about expeditious disposal, higher compensation, socio economic integration of parties, whose land is acquired. While accomplishing this objective of the Act, it cannot be understood that the adjudication be done swiftly, but when its time to pay then create a situation to prolong the execution or enforcement of the award, by making the land-owners run from forum to another forum.

247. The Act is to be prudently understood that once the award attains finality, the Requiring Body is also required to comply with its obligation by making the payment of compensation to the aggrieved land-owners in a reasonable time and in case they fail to do so or delay unreasonably even in proceedings for execution then, such land-owners cannot be deprived from getting their grievances ventilated by taking recourse to constitutional remedies. The powers of the High Court in such cases cannot be abridged or taken away by any Act and such powers shall always remain preserved, to be exercised in befitting cases, in consonance with settled legal principles relatable to the exercise of powers under Article 226/227 of the Constitution of India.

248. Thus, once the amount, rights and obligations have been crystallized upon the award becoming final, then it becomes an

undisputed right in favour of the holder of such award and a reciprocating and undisputed obligation for the person/entity against whom such an award operates and in such circumstances an aggrieved person can maintain a writ petition for enforcement of the award.

249. The Apex Court in several decisions has held that there can be no bar for exercising powers under Article 226 of the Constitution of India even in matters emerging from contractual matters. If the money claims arising out of contractual obligation are crystallized against the State and where the action of the State becomes arbitrary, then a person can get his right enforced through writ jurisdiction, so they can do even for getting their rights finalized under the Act of 2013 to be enforced through writ petitions.

See : **(a) Mahindra and Mahindra Ltd. v. Union of India and another : (1979) 2 SCC 529; (b) Surya Construction v. State of U.P. and others : (2019) 16 SCC 794; (c) Unitech Limited and others v. Telangana State Industrial Infrastructure Corporation (TSIIC) and others : (2021) 16 SCC 35; (d) M/s. Utkal Highways Engineers and Contractors v. Chief General Manager and others : 2025 SCC OnLine SC 1400** and decisions of the Division Bench of this Court in **(a) Ipjacket Technology India Private Limited v. M.D. Uttar Pradesh Rajkiya Nirman Nigam Ltd. : 2019 SCC OnLine All 2244 and (b) Kanika Construction v. State of U.P. and others : 2022 (2) ADJ 651**.

250. Thus from the above, it would be clear that merely because there may be a general remedy of getting the award executed through the District Court, but the State cannot take shelter by arbitrarily refusing to

comply with its obligations of payment of compensation. Hence, in befitting cases, depending upon the facts, on case to case basis, the aggrieved land-owners can even maintain a writ petition.

251. The conclusion arrived at by this Court to hold that LARRA cannot execute its award will have an impact on the pending execution cases before LARRA across the State of Uttar Pradesh and it may invite inconvenience and uncertainty over the outcome of the said execution cases, in context of timelines. To avoid much inconvenience to the holders of awards and noticing the concept of 'Welfare State' viz-a-viz its citizens, it would augur well for the State to consider using its rule making power to clear the air, usher certainity and provide power and jurisdiction for execution of the award with the Authority itself for integrated, robust mechanism for smooth enforcement of awards and it would also avoid undue harassment to the holders of awards by moving to different forums across jurisdictions for adjudication first and then for its execution. It may also be helpful in avoiding further burdening of the already over burdened District Courts, with execution petitions which may be filed for execution of the awards of LARRA and this would be in the larger interest of the public and persons, who loose their lands in acquisition and if provided with compensation in time and without hassel then it will help them to get re-integrated in the socio-economic stream of the country.

L. <u>PERORATION:-</u>

252. In light of the aforesaid detailed discussion, the Court concludes as under:-

(a) Under the Act of 2013, LARRA does not have the power to execute its own award as no specific power has been conferred upon LARRA nor any Rules conferring such power of execution have been framed by the State/Appropriate Government in this regard.

(b) The notification of the State dated 04.08.2022, which has been relied upon by the State, does not confer power on LARRA to execute its award under the Act of 2013.

(c) LARRA is an Authority constituted for the purposes of adjudication of matters referable to it in terms of Sections 51 and 64 of the Act of 2013 and such powers to adjudicate do not include the power to execute nor such powers can be exercised by the Authority under Section 60(3) of the Act nor in the guise of inherent powers.

(d) The award of LARRA attains a status of a decree, it can be executed as a decree by the District Court, who would act as an executory arm and the District Court while executing the LARRA award would not be entitled to adjudicate matters on merits directly or indirectly impacting the award or by going behind the award. The provisions of Section 47 CPC will not be applicable during execution of LARRA award, as explained and clarified in this judgment.

(e) The bar of jurisdiction of the Civil Court contained in Section 63 of the Act of 2013 is limited and operates only in context with such matters which are exclusively cognizable by

LARRA in terms of Section 51 and Section 64 of the Act of 2013 and this bar does not operate upon the District Court for the purposes of execution of an award passed by LARRA.

253. Thus, the petitions filed by the Requiring Body, i.e. SSB/UPEIDA/LDA (the details of which have been mentioned in Para-9, 13 and 19 respectively) are allowed in the aforesaid terms. The orders passed by the LARRA in exercise of its executory powers shall stand set aside and LARRA shall desist from executing the awards and all such proceedings would be without jurisdiction.

254. Three petitions filed by the land-owners seeking expedition of their execution proceedings before the LARRA will not survive, in light of what has been held above, hence are disposed of accordingly.

255. In the facts and circumstances, there shall be no order as to costs.

(Jaspreet Singh, J.)

September 28, 2026
Rakesh/ank/asheesh/-