



2026 INSC 1168

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION (CIVIL) NO. 35141/2026

RAJASTHAN HOUSING BOARD

PETITIONER

VERSUS

**M/s HARIYALI RURAL VENTURES
LTD. & ORS.**

RESPONDENTS

ORDER

DIPANKAR DATTA, J.

1. Rajasthan Housing Board, by presenting this special leave petition, challenges a judgment and order dated 06th July, 2026¹ passed by the High Court of Judicature for Rajasthan, Bench at Jaipur². The impugned judgment dismissed an application³ under Article 227 of the Constitution preferred by the Rajasthan Housing Board along with the State of Rajasthan and the Special Officer, Urban Development and Housing Department, Rajasthan.

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rashmi dnyanant
Date: 2026.10.28
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Reason:

In the writ petition, two orders were assailed: *first*, an order dated

¹ impugned judgment

² High Court

³ S.B. Civil Writ Petition No. 4122/2026

26th May, 2025 of the Land Acquisition Rehabilitation and Resettlement Authority⁴, headquartered at Jaipur, allowing the reference sought by the first respondent under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013⁵; and, *secondly*, an order dated 12th September, 2025 passed by the LARRA making a minor modification in favour of the first respondent while allowing its review petition.

3. The assail to the said two orders was spurned by the High Court by holding that the writ petition was not maintainable in view of the appellate remedy made available by sub-section (1) of Section 74 of the 2013 Act. The High Court further held that even if the writ petition were to be treated as an appeal under Section 74, the proviso thereof would be attracted on account of the belated approach. In terms of such proviso, no appeal which is presented 60 days beyond the prescribed period of limitation of 60 days could be entertained. Ultimately, resting on such premise, it was held that the right of the petitioners before the High Court even to maintain an appeal would stand foreclosed after expiry of the maximum permissible period for condonation of delay and, therefore, the writ petition could not be treated as an appeal.
4. Appearing in support of the special leave petition, Mr. Anuj Bhandari, learned counsel sought to rely on the decision of a coordinate Bench of this Court in ***Deputy Commissioner and Special Land***

⁴ LARRA

⁵ 2013 Act

Acquisition Officer v. S.V. Global Mill Limited⁶. He contends that the period of 60 days stipulated in the proviso to Section 74 of the 2013 Act has been held not to be mandatory. It does not foreclose the high courts from condoning delay beyond that period upon sufficient cause being shown. He, thus, urges that the decision in **S.V. Global Mill Limited** (supra) (which went unnoticed by the High Court) having brought about a radical shift in judicial thinking, the Rajasthan Housing Board may be granted the liberty of now approaching the appellate forum with an application for condonation of delay.

5. We have perused the decision in **S.V. Global Mill Limited** (supra). Instead of quoting the relevant passages from such decision, we consider it proper to summarize what has been reasoned there (particularly in paragraphs 13, 35, 36, 59, 76, 78 and 79). The coordinate Bench was of the opinion that the 2013 Act is a beneficial legislation and the Courts must make a conscious endeavour to give effect to its avowed objectives; Section 74 of the 2013 Act provides for a period of 60 days from the date of the award for filing an appeal before the high courts; the starting point for computation of the said 60 days being the date of receipt of the said award by the aggrieved person, the proviso to Section 74 allows an appeal to be filed within a further period of 60 days; while such proviso does not extend the period of limitation prescribed for filing the appeal, it brings a delayed filing within the ambit of Section 74(1); being a mere proviso, such

⁶ 2026 SCC OnLine SC 171

proviso cannot be interpreted to mean otherwise; Section 74, as a whole, does not involve the exercise of power conferred to the Court under Section 5 of the Limitation Act, 1963⁷; there is not much difference between the main provision contained in Section 74(1) and its proviso; Section 74 provides only one period of limitation, meaning thereby that the other one mentioned under the proviso gets subsumed within the period provided under Section 74(1); Section 103 of the 2013 Act facilitates borrowing from other enactments, and clarifies that the provisions of the 2013 Act are in addition to other laws, and not in derogation thereof; the language of Section 29(2) of the Limitation Act indicates the intention of the Legislature to extend the application of Sections 4 to 24 thereof to all special or local laws and a specific exclusion alone would take away its application; the 2013 Act, being a special law, there is nothing in Section 74 suggesting an exclusion of Sections 4 to 24; and, hence, application of the Limitation Act is not excluded *qua* the 2013 Act.

6. We had expressed reservation as to whether ***S.V. Global Mill Limited*** (supra) lays down correct law, having the efficacy of a binding precedent. The immediate response of Mr. Bhandari was that in such case, a reference to a larger Bench would be the proper course for us to follow.
7. A reference is not warranted in the present facts and circumstances. The ratio of ***S.V. Global Mill Limited*** (supra) does not apply here, for reasons we propose to record hereafter. However, at the same

⁷ Limitation Act

time, we wish also to briefly observe why in our opinion such precedent does not commend our acceptance.

8. A whole lot of enactments, viz. the Securities and Exchange Board of India Act, 1992 (Section 15-Z), the Arbitration and Conciliation Act, 1996⁸ (Section 34), the Foreign Exchange Management Act, 1999⁹ (Section 35), the Prevention of Money Laundering Act, 2002 (Section 42), the Electricity Act, 2003¹⁰ (Section 125), the Companies Act, 2013¹¹ (Sections 421 and 423), and the Insolvency and Bankruptcy Code, 2016¹² (Sections 61 and 62) prescribe the period of limitation for filing appeals/applications. The relevant provisions contain in-built provisions as well, prescribing the outer limit beyond which condonation of delay is not permissible. The words used in such provisions like "*but not thereafter*" or "*not exceeding*" as suffix/prefix to a particular period of time have been uniformly held by separate Benches of this Court (majorly in combination of 2-Judges, and 3-Judges in the rest) to constitute a legislative command exceeding which the courts have no power to condone delay in presentation of an appeal/application.
9. We may notice how such enactments, along with others, have been considered by this Court. Law seems to have been consistently laid down that each enactment is a code in itself and beyond the maximum condonable period permitted thereby, no time barred appeal/application can be entertained by taking the aid of Section 5

⁸ Arbitration Act

⁹ FEMA

¹⁰ Electricity Act

¹¹ Companies Act

¹² IBC

of the Limitation Act. Reference may, *inter alia*, be made to the decisions in **CCE v. Hongo India (P) Ltd.**¹³ dealing with the unamended Section 35-H(1) of the Central Excise Act, 1944¹⁴, **Singh Enterprises v. CCE, Jamshedpur & Ors.**¹⁵ dealing with Section 35 of the Excise Act, **Ketan V. Parekh v. Special Director, Directorate of Enforcement & Ors.**¹⁶ dealing with Section 35 of the FEMA, **Chhattisgarh SEB v. Central Electricity Regulatory Commission & Ors.**¹⁷ and **ONGC v. GETCO Ltd. & Ors.**¹⁸ dealing with Section 125 of the Electricity Act, **Union of India v. Popular Construction Co.**¹⁹, **Mahindra and Mahindra Financial Services Ltd. v. Maheshbhai Tinabhai Rathod & Ors.**²⁰ and **My Preferred Transformation and Hospitality (P) Ltd. & Ors. v. Faridabad Implements (P) Ltd.**²¹ dealing with Section 34 of the Arbitration Act, **Bengal Chemists and Druggists Association v. Kalyan Chowdhury**²² dealing with Section 421 of the Companies Act, **CCT & Ors. v. Glaxo Smith Kline Consumer Healthcare Limited**²³ dealing Section 31 of the Andhra Pradesh Value Added Tax Act, 2005, **National Spot Exchange Ltd. v. Dunar Foods Ltd.**²⁴, **V. Nagarajan v. SKS Ispat & Power Ltd & Ors.**²⁵ and **Tata Steel**

¹³ (2009) 5 SCC 791 (3-J)

¹⁴ Excise Act

¹⁵ (2008) 3 SCC 70 (2-J)

¹⁶ (2011) 15 SCC 30 (2-J)

¹⁷ (2010) 5 SCC 23 (2-J)

¹⁸ (2017) 5 SCC 42 (3-J)

¹⁹ (2001) 8 SCC 470 (2-J)

²⁰ (2022) 4 SCC 162 (3-J)

²¹ (2025) 6 SCC 481 (2-J)

²² (2018) 3 SCC 41 (2-J)

²³ (2020) 19 SCC 681 (2-J)

²⁴ (2022) 11 SCC 761 (2-J)

²⁵ (2022) 2 SCC 244 (3-J)

Limited v. Raj Kumar Banerjee & Ors.²⁶ dealing with Section 61 of the IBC, and **Saturn Ventures and Advisors Pvt. Ltd. v. S. Gopalakrishnan**²⁷ and **CA Ramchandra Dallaram Choudhary v. Adani Infrastructure and Developers Pvt Ltd.**²⁸, dealing with filing/refiling delay in presentation of an appeal under Section 62 of the IBC in this behalf.

10. Needless to observe, the language of sub-section (1) of Section 74 of the 2013 Act is in *pari materia* with the provisions of the statutes considered by this Court in the precedents cited above. It would, therefore, appear that the decision of the coordinate Bench in **S.V. Global Mill Limited** (supra) does not accord with the precedents dealing with similar provisions as to limitation.
11. Moreover, the decision in **S.V. Global Mill Limited** (supra) effectively renders the proviso to sub-section (1) of Section 74 otiose. Consequent upon Section 5 of the Limitation Act being made applicable to appeals carried from awards under the main part of sub-section (1) of Section 74 of the 2013 Act, any appellant is now permitted to show "*sufficient cause*" for not preferring such an appeal within the prescribed time before the high courts. As a sequel, the outer limit of 120 days that the section prescribes is denuded of all its meaning. The net effect is that a parliamentary prescription stands altered by a judicial interpretation, giving impetus to belated appeals under Section 74 of the 2013 Act being filed and to the plea that any

²⁶ (2025) 9 SCC 483 (2-J)

²⁷ (2025) SCC OnLine SC 2484 (2-J)

²⁸ (2026) SCC OnLine SC 1097 (2-J)

delay, howsoever inordinate, be condoned. On a bare textual reading of sub-section (1) of Section 74 of the 2013 Act, it is manifest that the legislature did not intend condonation of delay beyond the period of 120 days and thus, impliedly, if not expressly, excluded applicability of Section 5 of the Limitation Act. Had a contrary intention been contemplated, the legislature would have employed appropriate language to convey the same.

12. Since a different view was taken by this Court in ***S.V. Global Mill Limited*** (supra) relying on sub-section (2) of Section 29 of the Limitation Act, let us now consider whether such view can also be sustained.

13. Sub-section (2) of Section 29 of the Limitation Act reads as follows:

Section 29. Savings

(1) ***

(2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law.

14. ***Hukumdev Narain Yadav v. Lal Narain Mishra***²⁹ is considered an authority on the question of the true interpretation of sub-section (2) of Section 29 of the Limitation Act. It was held there that even in a case where the special law does not exclude the provisions of Sections 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the court to examine whether and to what

²⁹ (1974) 2 SCC 133 (3-J)

extent the nature of those provisions or the nature of the subject-matter and scheme of the special law exclude their operation.

- 15.** The principle of law laid down in the said decision has since been followed/relied upon in several subsequent decisions of this Court including **Anwari Basavaraj Patil & Ors. v. Siddaramaiah & Ors.**³⁰ and **Gopal Sardar v. Karuna Sardar**³¹. The coordinate Bench in **S.V. Global Mill Limited** (supra) was not referred to either of these two decisions.
- 16.** Even otherwise, **Hukumdev Narain Yadav** (supra) is a judgment delivered by a 3-Judge Bench. The ratio laid down therein is binding on any Bench of lesser strength. However, such ratio was distinguished in **S.V. Global Mill Limited** (supra) on the specious ground that the dispute in **Hukumdev Narain Yadav** (supra) pertained to an election dispute. In our view, the nature of the dispute and/or the subject matter of the statute from which the *lis* originates is irrelevant while interpreting sub-section (2) of Section 29 of the Limitation Act. What is relevant is the scheme of the statute under consideration, in light of the principle of law settled by the larger Bench. The test would be, whether in the absence of express exclusion, application of the provisions of Sections 4 to 24 of the Limitation Act can be excluded by necessary implication or not? To construe sub-section (2) of Section 29 of the Limitation Act only if there is an express exclusion would run contrary to the view taken by the larger Bench. Also, one other aspect seems to have escaped the

³⁰ (1993) 1 SCC 636 (2-J)

³¹ (2004) 4 SCC 252 (2-J)

attention of the coordinate Bench. Applying Section 5 of the Limitation Act to a time-barred appeal under sub-section (1) of Section 74 of the 2013 Act, on the premise that the 2013 Act is a beneficial legislation, would occasion reverse prejudice. The State/acquiring bodies would also become entitled to seek condonation of inordinate delay, much to the prejudice and detriment of the landowners. In our considered opinion, such an interpretative exercise ought best to have been avoided.

- 17.** Be that as it may, our understanding of sub-section (2) of Section 29 of the Limitation Act as interpreted by judicial precedents is this. Sub-section (2) of Section 29 provides that Sections 4 to 24 of the Limitation Act shall apply to proceedings under any special or local law prescribing a period of limitation different from the Schedule to the Limitation Act, save where their application – and in particular Section 5 – is excluded expressly or by necessary implication. The proviso to sub-section (1) of Section 74 of the 2013 Act is in the nature of a special in-built provision akin to Section 5 of the Limitation Act, permitting condonation of delay subject, however, to a statutory cap. Sub-section (1) of Section 74, though part of the 2013 Act which is a special law, admits of no ambiguity and is incapable of two constructions. Application of Sections 4 to 24 is not available in view of such an unambiguous provision and, therefore, no further condonation outside the second phase of time-limit of 60 days is permissible in case of a time-barred appeal under Section 74 of the 2013 Act. The question of application of Section 5 of the Limitation Act to such an appeal, thus, does not arise.

18. In this connection, it would also be profitable to note the decision in **CST v. Parson Tools and Plants**³² where this Court had the occasion to hold:

16. If the legislature wilfully omits to incorporate something of an analogous law in a subsequent statute, or even if there is a casus omissus in a statute, the language of which is otherwise plain and unambiguous, the Court is not competent to supply the omission by engrafting on it or introducing in it, under the guise of interpretation, by analogy or implication, something what it thinks to be a general principle of justice and equity. To do so "would be entrenching upon the preserves of legislature"³³, the primary function of a Court of law being *jus dicere* and not *jus dare*.

19. The principle in **Parson Tools and Plants** (supra) is equally available in its converse – where the competent legislature has consciously engrafted in the subsequent statute what was absent or was an omission in an earlier one, it is not open to the court to undo the legislative choice by an interpretive exercise.

20. Reading Section 74 of the 2013 in juxtaposition with Section 54 of the erstwhile Land Acquisition Act, 1894 and also having regard to the scheme of the 2013 Act, we have no hesitation in holding that the period of 120 days in Section 74 is inflexible and rigid and cannot be read in a manner so as to permit any aggrieved person to approach the relevant high court with an appeal which is barred even by a single day's delay. Even this Court in exercise of its power under Article 142 cannot condone the delay although, in a fit and proper case, a party may seek exemption from application of the laws of limitation.

21. Reverting to Mr. Bhandari's plea for referring the decision in **S.V. Global Mill Limited** (supra) for reconsideration by a larger Bench, it

³² (1975) 4 SCC 22 (3-J)

³³ Prem Nath L. Ganesh v. Prem Nath L. Ram Nath : AIR 1963 Punjab 62 (Tek Chand, J.)

is, indeed, not an available option. Given the uniform interpretation of *pari materia* provisions as to limitation placed by several Benches of this Court in a long line of decisions and in keeping with the doctrine of *stare decisis*, the two-Judge Bench in ***S.V. Global Mill Limited*** (supra) ought not to have placed a discordant construction on sub-section (1) of Section 74 of the 2013 Act; instead, since such consistent views of this Court as well as the long standing and well accepted ratio of ***Hukumdev Narain Yadav*** (supra) were being departed from, it could have itself referred the matter for consideration by a larger Bench. Being bound by the doctrine of precedents, laid down by larger Benches, we decline a reference.

22. Having observed thus, we now revert to the case at hand.
23. Assuming that the decision in ***S.V. Global Mill Limited*** (supra) lays down the law correctly, the ratio thereof is inapplicable here because the Rajasthan Housing Board did not avail the appellate remedy provided by Section 74 of the 2013 Act with a time-barred appeal; on the contrary, it had invoked the jurisdiction of the High Court under Article 227 of the Constitution. Having failed/neglected/omitted to avail the appellate remedy either within the maximum condonable period or even thereafter, seeking condonation of delay by applying under Section 5 of the Limitation Act, the High Court in our opinion was perfectly justified in spurning the challenge. There is, thus, no ground to cause interference with such reasoned decision of the High Court.
24. In light of the above discussion, there is no reason to refer the decision in ***S.V. Global Mill Limited*** (supra) to a larger Bench. We,

however, hasten to add that pending time-barred appeals under Section 74 of the 2013 Act may be decided by the relevant high courts in accordance with law.

25. The special leave petition, accordingly, stands dismissed.

26. Connected applications, if any, stand disposed of.

....., J.
[DIPANKAR DATTA]

....., J.
[SHEEL NAGU]

NEW DELHI;
October 16, 2026.