

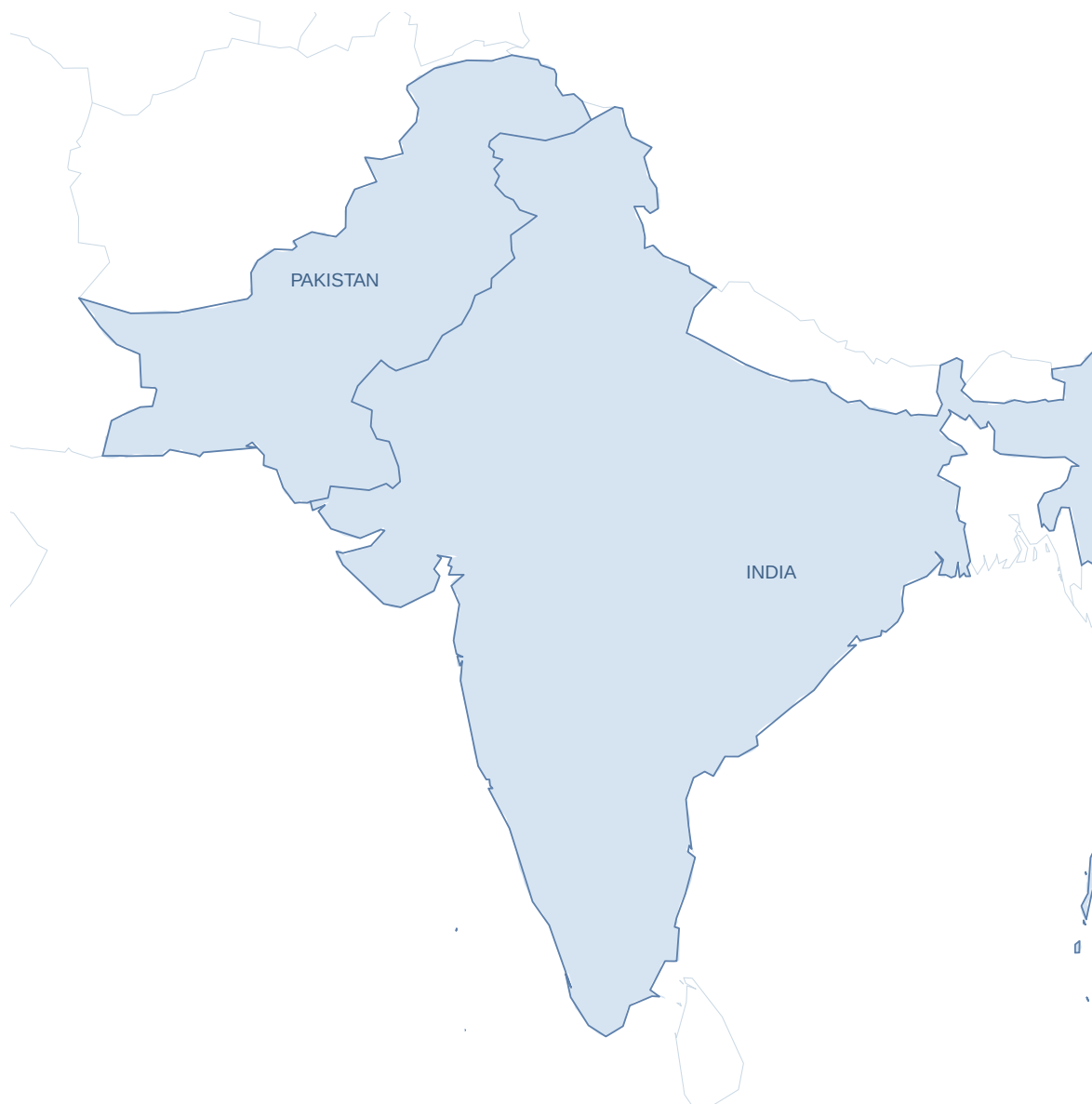
Recent South Asian Court Cases: India, Pakistan

Recent Court Decisions • The Valuation Engineer

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Notice to readers. These summaries are the Journal's own descriptions of court decisions and legal instruments, written for valuation professionals. They are not legal advice. Where the understanding of a decision or a provision is critical to a matter, the reader should consult the official text and obtain advice from a lawyer qualified in the jurisdiction concerned. Many of the sources were written in languages other than English and were read in machine translation, which can be in error; each such item is marked, and its original-language source is linked so that it can be checked.



Jurisdictions surveyed in this installment are outlined and shaded.

Scope and Sources

This is the *baseline* installment for South Asia, covering India and Pakistan. As with the Oceania survey in this issue, a baseline installment reaches back further than a single quarter: it treats developments of continuing practical significance through the third quarter of 2026. Subsequent installments will be quarterly updates.

The contexts mixed in this installment are named at the outset. Most of it concerns compensation for compulsory acquisition — expropriation, the taking of private property by the state, which US practice calls eminent domain or condemnation — in both countries, together with an Indian stamp-duty valuation and an Indian decision on possession under contested title. Shorter Indian entries follow on the valuation behind a lender's auction sale, the discipline of a registered valuer,

matrimonial property, and share valuation on a buy-out and in insolvency. Each country section opens by naming its own context; a statement made under one context should not be assumed to hold under another.

Sources are these. For India, the Supreme Court of India's judgment portal and neutral citations (INSC) where the judgment text was reachable, the National Company Law Tribunal's order portal, and otherwise English-language law reporting (LiveLaw and practitioner digests), as noted at the point of use. For Pakistan, the Supreme Court's website was unreachable; the account rests on press reports and, for one decision, an unofficial copy of the judgment. Where a decision has been read only in secondary description, that is stated.

Every source in this installment was read in English, the language of the superior courts of both countries; no translation was involved. The two paragraphs that follow state the department's practice for material read in another language. They apply across the issue and are retained here for the translated editions, but no item in this installment falls under them.

Provenance and machine translation. Where a decision or instrument in this survey was read in a language other than English, it was read in machine translation, and that is disclosed at the point of use by a **Source** note giving the original-language publication and a link to it. Two reasons. The first is candor: a machine translation of a judicial holding is not the holding, and a reader weighing whether to rely on a proposition should know how it reached this page. The second is operational. This journal publishes translated editions, including an Arabic edition and Japanese, Korean and Chinese editions. A translated edition that renders our English back into the language the source was written in would compound two translations rather than reverse one. The retained link lets each edition work from the original, which is the only version that carries authority.

No competing text in the original language. One consequence of the practice above needs stating plainly, because it governs how the translated editions of this issue must be produced.

Everything this department says about a decision read in another language is its *own summary, composed in English*. It is not a translation of the court's words and must never be presented as one. Where a term of art appears in inverted commas, the original term is supplied beside it, in its own script or in transliteration, and the original governs; the English is a gloss, not a rendering of the holding.

The reason for the insistence is a specific hazard. If an edition in the language of a surveyed judgment were produced by translating this English text back into that language, the result would be a second body of text, in the language of the original judgment, describing that judgment in words that are not the court's. A reader could not tell which text carried authority, and the journal would have manufactured the confusion. The hazard does not arise in this installment, whose sources are all in English; it governs the installments in this issue that survey judgments given in other languages.

Editions in a language surveyed here must therefore treat these passages as *editorial description*, presented as such, and must follow the **Source** link to the original where the court's own language is wanted. What must not happen is a silent round trip that produces a rival version of a holding in the language the holding was written in.

Nothing in this survey should be relied upon from the English description alone. Case citations and statutory references should be verified against the official report or gazette in the original language before any reliance for practice or for further publication.

Expropriation, Eminent Domain, and Condemnation

Including inverse condemnation. Just compensation, larger parcel, severance, project influence, stigma, and reasonably probable future use.

India — valuation date, comparable selection and actual use

The Indian items concern compensation for the compulsory acquisition of land — its valuation date and its comparables — together with statutory valuation for stamp duty and the position of a possessor under contested title.

Shifting the valuation date for inordinate delay. In *Bernard Francis Joseph Vaz v Government of Karnataka* (2 January 2025, Gavai and Viswanathan JJ) the Supreme Court held that although compensation for acquired land is ordinarily assessed at the market value prevailing on the date of the preliminary notification (the government’s first published notice of intended acquisition — the default valuation date in Indian acquisition law), a court may exceptionally shift the valuation date where there has been inordinate delay in making or disbursing the award. In *Vaz* the Court moved the reference date — the date the value opinion speaks to — from the 2003 preliminary notification to the 2019 award, a sixteen-year shift, observing that “money is what money buys” and that compensation delayed by two decades would be a travesty of justice. The additional burden was placed on the State and the industrial development board rather than on the project proponent.

Although decided before the period this installment principally covers, the case is included because it states the governing principle, and because the department has not located an equivalent doctrine in the other jurisdictions surveyed.

Implication for appraisers. The Indian valuer instructed in an acquisition matter cannot treat the valuation date as given. Where possession long predates the award, the date is itself contestable, and a report that opines only as at the notification date may be answering the wrong question. The prudent course is to value at both dates and state the difference.

Project Director, National Highways Authority of India v Alfa Remedies Ltd, 2026 INSC 480; 2026 LiveLaw (SC) 494 (12 May 2026) — comparables must be of a similar type of land. Sanjay Kumar and K. Vinod Chandran JJ decided an appeal arising from the National Highways Authority of India’s acquisition of 1,394 square meters of land in Nagpur District for the widening of a national highway. The Competent Authority treated the land as agricultural and awarded compensation at Rs 161.63 per square meter. The landowner contended that the land was in industrial use and relied on a 2017 sale deed for a *residential* plot of 195.09 square meters in the nearby *mouza* (revenue village) of Saoner at Rs 3,588 per square meter; it also cited the Ready Reckoner — Maharashtra’s official guideline-rate schedule — rate of Rs 2,020 per square meter. The arbitrator accepted that the land was in non-agricultural use and, by an award of 22 November 2021, applied the sale deed’s Rs 3,588. The District Judge set the award aside; the Bombay High Court restored it. The Supreme Court held that section 26(1)(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 requires the average sale price to be drawn from sale deeds of a *similar type of land*, that residential land in another village is not of a similar type to land in industrial use, and that the section’s method does not permit reliance on a single sale deed. The arbitrator had “completely ignored” those directives, and the award was vitiated by patent illegality. The Court applied section 26(1)(a) instead and fixed

compensation at the Ready Reckoner figure of Rs 2,020 per square meter, in place of the arbitrator's Rs 3,588, with the consequential statutory benefits.

Implication for appraisers. This is a statutory rule about comparable selection, and it is unusually explicit. What the Court rejected was not an inaccurate comparable but an *inadmissible* one: a residential exemplar cannot evidence the value of industrial land however carefully it is adjusted, because the statute requires similarity of type rather than a defensible adjustment across the difference. Readers of the *Foundations* department in this issue will recognize the point. Entry 010 argues that a comparable set which lacks variation in the relevant characteristic cannot identify that characteristic's contribution at all, and that the remedy is to change the data rather than the estimator. Section 26(1)(b) reaches the same conclusion by legislation: where the only exemplar is of the wrong type, the answer is not to adjust harder but to find a better exemplar. Note also that the Court did not simply prefer the lower figure — it substituted a different and independently derived basis, the Ready Reckoner, which is itself a reminder that rejecting an exemplar leaves the valuer needing a positive alternative rather than merely a criticism.

Source — the judgment, 2026 INSC 480, dated 12 May 2026 (read in English): https://www.livelaw.in/pdf_upload/2026/05/13/5623020252026-05-12-673734.pdf; LiveLaw report: <https://www.livelaw.in/supreme-court/land-acquisition-residential-plot-sale-deed-cant-be-used-to-determine-compensation-for-industrial-land-supreme-court-534076>.

***Harinder Singh Sodhi v State of Rajasthan*, Supreme Court, 24 August 2026 — actual use governs, not the master plan.** Pardiwala and Vinod Chandran JJ held that valuation for stamp duty under the Rajasthan Stamp Act 1998 turns on the actual user of the property, not on the zonal classification assigned to the area by the master plan. The premises were registered as a factory under the Factories Act 1948 and as an industry with the District Industries Centre, Jaipur. The Rajasthan High Court had reclassified them as commercial because manufactured goods were also sold on site. The Supreme Court set that aside, reasoning that manufactured items must be sold somewhere, and that selling them at the place of manufacture — even at retail — does not convert an industrial use into a commercial one. The statutory authorities' original findings were restored.

Implication for appraisers. The holding separates two things that are easily conflated: the planning designation attached to land and the use actually made of it. For a statutory valuation the second governs. This has an obvious application to highest and best use, where the planning designation is evidence of what is permissible but not of what is happening, and the two diverge more often than valuation reports acknowledge. It also cuts against a common shortcut — reading the zoning off the master plan and pricing accordingly — which on these facts would have priced the property on the wrong use premise and produced a materially higher duty. A related characterization question is before the Australian courts; see the Oceania installment in this issue.

Source — LiveLaw (read in English): <https://www.livelaw.in/sc-judgments/2026-livelaw-sc-869-harinder-singh-sodhi-versus-state-of-rajasthan-and-ors-547790>.

***M/s Circar Paper Mills Ltd v District Collector, Nellore District*, 2026 LiveLaw (SC) 868 (August 2026).** The Supreme Court held that where there is a bona fide dispute as to title — supported by long possession, registered deeds and mutations (entries updating the government revenue record of who holds the land) — the State cannot use summary eviction as a substitute for a properly constituted title suit.

Implication for appraisers. Long possession coupled with a contested title is a marketability problem before it is a legal one. The decision means such a claimant cannot be removed administratively, which materially changes the assumption an appraiser should make about the interest actually being valued and about the period over which the dispute will run.

Source — LiveLaw (read in English): <https://www.livelaw.in/sc-judgments/2026-livelaw-sc-868-ms-circa-r-paper-mills-ltd-v-district-collector-nellore-distt-ors-547765>.

The highest exemplar, not the average: *Manohar v State of Maharashtra*. 2025 INSC 900, 28 July 2025. Where several exemplars of similar land exist, the *highest bona fide* exemplar fixes market value; averaging is permissible only where the prices vary marginally. The Court took an exemplar of Rs 72,900 an acre from March 1990, deducted twenty percent for the difference between a small plot and a large area, and raised compensation from Rs 32,000 to Rs 58,320 an acre.

Implication for appraisers. This is the opposite of the instinct most valuation training instils. An appraiser who averages a range of comparables is, on this reasoning, systematically under-compensating the owner — because the statute asks what the land *would* fetch, and a willing seller sells to the highest bidder, not to the mean of the market.

The date is the notification: *Sumitraben Gamit* and *S.V. Global Mill*. The proviso to section 26(1) of the 2013 Act fixes the date of value at the section 11 preliminary notification, and 1 January 2014 applies only to cases transferred from the 1894 Act; a High Court order using the later date was set aside (21 April 2025). *S.V. Global Mill* (2026 INSC 138, 9 February 2026) confirms it for awards passed after 1 January 2014.

Briefly noted. In the Hyderabad ring-road references the Court rejected a post-notification auction as unreliable and worked from six pre-notification deeds, escalating the highest at twenty percent compounded. *Flag:* two secondary sources conflict on the resulting rate — one reports Rs 44.64 lakh an acre replacing the High Court’s Rs 1.35 crore, the other that the Rs 1.35 crore stood on a seventy percent deduction from an upset price; the official text could not be retrieved and the point is left open. In *Tarsem Singh* (2026 INSC 291, 25 March 2026; Surya Kant CJI and Ujjal Bhuyan J), on the Authority’s review petition, the Court confirmed that national highway acquisitions between 1997 and 2015 carry solatium and interest, the Authority’s estimate of a burden of some Rs 29,000 crore notwithstanding, and then set the limits. Only landowners whose compensation claims were alive — pending before one of the prescribed fora — on or after 28 March 2008 may seek solatium, interest and interest on solatium; a landowner who raised those heads late takes interest only from the date of claiming them; and claims concluded before 28 March 2008 may not be reopened. Amounts already paid are not recoverable.

Source — *Manohar*, Supreme Court official PDF: https://www.sci.gov.in/sci-get-pdf/?diary_no=269002023&type=j&order_date=2025-07-28&from=latest_judgements_order; *S.V. Global Mill*, official PDF: https://www.sci.gov.in/sci-get-pdf/?diary_no=366642022&type=j&order_date=2026-02-09&from=latest_judgements_order; *Sumitraben Gamit*, database entry: <https://lawtext.in/judgement.php?bid=2103&ref=8484713600>; *Tarsem Singh*, judgment (Supreme Court Observer copy): https://www.scobserver.in/wp-content/uploads/2026/03/SC0.LR_Judgement_0ANational-Highways-Authority-of-India-v-Tarsem-Singh-.pdf.

Pakistan — a generous measure and a narrow gateway

The context of this section is compensation for the compulsory acquisition of land. Two decisions of 2026 pull in opposite directions, and read together they describe the Pakistani position more accurately than either does alone. Proceedings in the Pakistani superior courts are conducted in English; no translation was involved in this section.

***District Collector Swabi v Qaisar Ali Khan*, Supreme Court, 6 July 2026** — “gold for gold, not copper”: what compensation must reflect. Civil Appeals 203-P to 206-P of 2023 and connected appeals of 2024 and 2025 were heard on 24 February 2026 by Muhammad Ali Mazhar and Musarrat Hilali JJ; the judgment, of some twenty pages and authored by Mazhar J, was announced on 6 July 2026. The Supreme Court dismissed every one of the Khyber Pakhtunkhwa government’s appeals and upheld the enhancement of compensation, made by the Referee Court and affirmed by the Peshawar High Court, for land in Swabi district acquired for the Pehure High Level Canal Extension. The Referee Court had appointed a commission for a spot inspection to determine the market rate; the government objected that agricultural land had been compensated as residential; and the High Court’s award included twenty percent for severance. The Court held that the State’s power to acquire private property compulsorily for a public purpose is not absolute, and that the courts bear a constitutional duty to ensure that a landowner receives compensation reflecting the true value of the property rather than an arbitrary or outdated assessment — the owner, in the phrase the press reports attribute to the judgment, is to be given “gold for gold, not copper”. Three propositions follow, each of them a valuation instruction:

- compensation must reflect true market value, and not merely the official Deputy Commissioner’s rate;
- the authority must have regard to the land’s future development potential and its likely use; and
- where the acquisition process has been delayed, the increase in land prices and the effect of inflation over the period of delay must be reflected in the award.

Implication for appraisers. The first proposition separates an administrative rate from market value: the Deputy Commissioner’s rate is a convenient official figure, and it is held not to be the thing the statute asks for. The second brings the land’s future development potential and its likely use into the assessment alongside its existing use. The third requires that, where the acquisition has been delayed, the intervening rise in land prices and the effect of inflation be reflected in the award rather than left with the dispossessed owner. An official rate schedule is evidence of what the state will concede, not of what land is worth. The Pakistani formulation is the bluntest in this survey, and it belongs beside the Kenyan tribunal’s refusal to let a private valuation displace the Government Valuer without a demonstrated error: the two jurisdictions police the same gap from opposite directions.

Source and citation note. The case title, appeal numbers, bench and hearing date are taken from an unofficial copy of the judgment (the Supreme Court’s portal refused access): <https://www.scribd.com/document/1058716242/Supreme-Court-Decision>. The holdings, the date of announcement and the “gold for gold” phrase are taken from press reports of 6 and 7 July 2026 (read in English): *The Nation*, <https://www.nation.com.pk/06-Jul-2026/sc-orders-fair-market-compensation-acquired-land> and <https://www.nation.com.pk/07-Jul-2026/state-must-pay-full-fair-real-compensation-acquired-land-rules-sc>; *The Express Tribune*,

<https://tribune.com.pk/story/2616728/sc-upholds-fair-land-compensation>; Dunya News. No reported citation has yet been assigned; the judgment should be confirmed against the Court's own reports, <https://www.supremecourt.gov.pk/>, before it is relied upon.

Federal Constitutional Court, August 2026 — who may ask. In the Federal Constitutional Court — established by the Twenty-seventh Constitutional Amendment in November 2025 — a three-judge bench presided over by Amin-ud-Din Khan CJ, sitting with Ali Baqar Najafi and Syed Arshad Hussain Shah JJ, set aside judgments of the Peshawar and Lahore High Courts that had extended enhanced compensation to landowners who had accepted the Collector's award (the administrative compensation award made at first instance by the land-acquisition Collector) without protest. A landowner who accepted the award and did not seek a reference (the statutory route by which a dissatisfied owner has the administrative award referred to a court for redetermination) under section 18 of the Land Acquisition Act 1894 within the prescribed period is not entitled to enhanced compensation. The jurisdiction conferred by Article 187 of the Constitution to do "complete justice" is, in the court's reported words, "supplementary and procedural" and does not authorize the court to create substantive rights or to disregard mandatory statutory provisions. Nor may landowners who took no step of their own piggy-back on awards obtained by others. A note by Shah J records that amounts already disbursed under the set-aside judgments will not be recovered from the recipients.

Source and citation note. This account rests on reports by the Associated Press of Pakistan and *The Express Tribune* (20 and 29 August 2026); the formal citation is pending and should be obtained before the decision is relied upon.

Implication for appraisers. The two decisions together define the shape of the Pakistani claim. The measure of compensation is generous — market value, development potential, inflation over the period of delay — but the gateway is narrow, and it closes early. The practical consequence is that the valuation work has to be done at the point of the section 18 reference rather than later, because later there may be no proceeding in which to deploy it. An appraiser advising a dispossessed owner in Pakistan should treat the reference period as the operative deadline for obtaining evidence of value, and should not assume that a favorable award to a neighbor will carry across.

And the owner who accepted without protest. 2025 YLR 178: landowners who accepted the award without protest and led no documentary evidence of a higher value could not obtain an enhancement, and the Referee Court's increase was set aside.

Source — 2025 YLR 178, unofficial copy: <https://www.scribd.com/document/875918326/2025-Y-L-R-178>.

Taxation

Ad valorem assessment appeals, current use against highest and best use, special-purpose and utility property, estate and gift tax, and conservation-easement valuation.

No decisions in this category this quarter.

Lending, Foreclosure, and Mortgage Regulation

Origination and refinance appraisals, GSE, FHA and FIRREA independence rules, deficiency actions, and what loss the valuation actually caused.

India — a confirmed auction is still reviewable: *Om Sakthi Sekar*. 2026 INSC 237, 13 March 2026. Confirmation of a debt-recovery auction — a sale at Rs 2.10 crore in 2010, certificate issued 2011 — does not immunize it from judicial scrutiny of the adequacy of the valuation and the reserve price, and a limited remand for fresh valuation is permissible where credible doubt exists.

India — and the reserve price below the bank’s own valuer. The debt-recovery appellate tribunals have built a body of practice around the reserve. Fixing it below the bank’s own approved valuer’s figure does not comply with the enforcement statute (*Kalpana Agrawal*); a sale is not invalid merely because the reserve is below distress value, provided a proper valuation preceded the notice (*Sree Lakshmi Silks*); but a *stale* valuation vitiates the sale regardless of the purchaser’s good faith — a report of September 2023 could not support an auction in July 2024, values changing at roughly six-month intervals (*Prabal Roller Flour Mill*, 19 June 2026).

Implication for appraisers. The Indian tribunals have arrived at the currency rule that Poland puts in its statute and Dubai now prints on the cover of the report: an appraisal has a shelf life, and using an expired one is a defect in the sale, not merely in the appraisal.

Source — *Om Sakthi Sekar*: <https://www.livelaw.in/sc-judgments/2026-livelaw-sc-240-om-sakthi-sekar-versus-v-sukumar-ors-526350>; *Kalpana Agrawal*: <https://ibclaw.in/authorized-officer-state-bank-of-india-and-anr-vs-ku-kalpana-agrawal-and-ors-drat-allahabad/>; *Prabal Roller Flour Mill*: <https://www.indialaw.in/blog/debt-recovery-blog/rule-85-sarfaesi-rules-fresh-valuation/>.

Valuer and Appraiser Professional Liability

Negligence, breach of contract, and rarely fraud against the appraiser; bracket and margin of error, intended use, and USPAP compliance.

India — a registered valuer suspended for two years. 1 October 2025. A land-and-building valuer first put a company’s assets at Rs 1,090.54 crore and then excluded them as “undeterminable”; the regulator found questionable and overlapping discount factors and reliance on outdated legal opinions, and suspended the registration for two years under the code of conduct.

Source — IBBI order, reported: <https://www.taxscan.in/top-stories/lack-of-due-diligence-in-valuation-of-rs-crore-assets-ibbi-suspends-valuers-registration-for-years-1434588>.

Family Law, Divorce, and Equitable Distribution

Date-of-value contests, discounts, and whether a contemplated subdivision or development is reasonably probable.

India — the presumption of common funds: *Sangeeta Gera v Sanjeev Gera*. Delhi High Court, 22 September 2025. A flat bought in 2005 in joint names, with the husband paying every installment, produced a surplus of Rs 1.09 crore on the bank’s sale. The Court held that property acquired during the marriage is presumed to come from common funds and that the benami statute barred the husband’s claim to exclusive ownership: the wife took half, Rs 54.5 lakh. In *Mania Ghai v Nishant Chander* the same court held, eleven days earlier, that residence in the matrimonial home confers no ownership of property in the husband’s name (2025:DHC:6421-DB, 11 September 2025) — a claim “must rest on proof of meaningful and substantive contribution”.

Source — *Sangeeta Gera*: <https://www.verdictum.in/court-updates/high-courts/delhi-high-court/2025-dhc-8356-db-joint-property-husband-paying-purchase-consideration-not-having-exclusive-ownership-1593267>; *Mania Ghai*, judgment PDF (the quotation is verbatim from it): <https://www.linkinglaws.com/assets/pdf/landmarkjudgments/642-642.pdf>.

Estate, Trust, and Probate

Date-of-death value, lack-of-control and marketability discounts, and mixed real-estate and business interests.

No decisions in this category this quarter.

Partnership, Shareholder, and Buy-out Disputes

Fair value against fair market value, and whether an asset or cost approach is appropriate when the real estate is an operating asset.

India — the related-party instrument that may not be discounted. NCLT Mumbai, 8 July 2025. On a court-ordered buy-out the tribunal preferred a net-asset valuation carrying related-party preference shares at book value (Rs 1,345.78 a share) over a competing report discounting them at 7.31 percent to their 2033 redemption (Rs 804.92): funds parked with entities under the same control as the majority cannot be discounted against a minority being bought out. Total Rs 18.84 crore with interest at 11.5 percent.

India — and the valuation the tribunal will not reopen. 14 July 2026. A valuation by two registered valuers, accepted by the committee of creditors, falls within commercial wisdom; neither the tribunal nor the appellate tribunal may order a re-valuation on a promoter's assertion of undervaluation, and pre-insolvency valuations are irrelevant.

Source — *Shroff v Atlas Equifin*, NCLT official PDF: https://nclt.gov.in/gen_pdf.php?filepath=/Efile_Document/ncltdoc/casedoc/2709138000162014/04/Order-Challenge/04_order-Challenge_004_175222950719558234666870e683554e3.pdf; *Shetty*: <https://www.linkedin.com/pulse/nclat-reaffirms-challenges-valuati-on-commercial-wisdom-mukesh-chand-pb68f>.

Insurance, Casualty, Environmental Diminution, and Private Contract Damages

Before-and-after value, cost to cure against stigma, wildfire and contamination, insurance appraisal clauses, options, and partition.

No decisions in this category this quarter.