



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

988 CIVIL APPLICATION NO. 2255 OF 2026
IN FAST/24601/2025
WITH
CIVIL APPLICATION NO. 8776 OF 2025
IN FAST/24601/2025
WITH
CIVIL APPLICATION NO. 8775 OF 2025
IN FAST/24601/2025

CHANDRABHAN SO AMBADAS SAKHARE
VERSUS
THE EXECUTIVE ENGINEER (CIVIL), CIVIL CONSTRUCTION PROJECT,
MSPGCL

...
Advocate for Applicant/Claimant : Mr. Parikshit S. Mantri h/f Mr. Parag V.
Barde

Advocate for Respondent no. 1 : Mr. Akash D. Gade
A.G.P. for Respondent no. 2 : Mr. S. G. Sangale

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.07.2026

PER COURT :

APPLICATION FOR CONDONATION OF DELAY :

1. Heard learned counsel Mr. Gade for the applicant.
2. The applicant seeks to condone delay of 370 days caused in filing appeal. Perused the application and reasons stated therein. Apparently, the delay is occasioned on account of administrative reasons, which are duly explained in the application. In the result, case is made out to condone the delay.
3. The Civil Application is allowed. Delay of 370 days is condoned. Civil Application is disposed of.

4. Appeal be registered subject to removal of the office objections.

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

5. The applicant seeks permission to withdraw the amount deposited by the respondent-Acquiring Body in pursuance of the Award passed by the Reference Court.

6. Learned counsel Mr. Gaikwad appearing for the applicant submits that the applicant has lost his lands in the year 2008 due to compulsory acquisition and till date he has not received the enhanced compensation, as determined by the Reference Court.

7. Learned counsel Mr. Gade, appearing for the Acquiring Body vehemently opposes the application contending that the interest on compensation amount is granted from the date of possession and not from the date of Award. Further, he submits that the assessment of compensation on the basis of the sale-deeds, which cannot be termed as comparative sale instances, is excessive and exorbitant.

8. Having considered the reasons adopted by the Reference Court, this Court find that the Reference Court, relying upon sale instances from same village made the assessment of compensation. In that view of the matter, the applicant is entitled to withdraw the compensation amount. Hence, following order is passed :

ORDER

(I) The application is partly allowed. The applicant is permitted to withdraw 50% of compensation amount as deposited by the Acquiring Body subject to furnishing of usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that he shall redeposit the amount in case this Court directs him to do so.

(ii) The applicant is further permitted to withdraw 25% of the amount of compensation deposited, on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(iii) The Civil Application is disposed of.

CIVIL APPLICATION FOR STAY :

9. Learned counsel Mr. Gade for the Appellant/applicant informed that entire amount as per award passed by the Reference Court is deposited with the Registry.

10. The aforesaid statement is disputed by the learned counsel appearing on behalf of the respondent/claimant, contending that the amount deposited would not constitute entire amount of compensation. However, there is no impediment in considering the present application. In the result, the application is allowed in terms of prayer clause 'B' with liberty in favour of the claimant to pursue his remedy for deposit of the amount, if any due as per the Award.

11. The Civil Application is disposed of.

FIRST APPEAL :

12. **Admit.**

13. Print and paper book is dispensed with.

(S. G. CHAPALGAONKAR, J.)

mkd/-