

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLN. NO. 3260 OF 2014 IN F.A. NO.205 OF 2014
ALONG WITH
CIVIL APPLN. NO. 3261 OF 2014 IN F.A. NO.206 OF 2014
WITH
CIVIL APPLN. NO. 3262 OF 2014 IN F.A. NO.207 OF 2014
ALONG WITH
CIVIL APPLN. NO. 3263 OF 2014 IN F.A. NO.208 OF 2014
WITH
CIVIL APPLN. NO. 3264 OF 2014 IN F.A. NO.210 OF 2014
ALONG WITH
CIVIL APPLN. NO. 3265 OF 2014 IN F.A. NO.213 OF 2014
WITH
CIVIL APPLN. NO. 3266 OF 2014 IN F.A. NO.215 OF 2014
ALONG WITH
CIVIL APPLN. NO. 3267 OF 2014 IN F.A. NO.221 OF 2014
WITH
CIVIL APPLN. NO. 3268 OF 2014 IN F.A. NO.224 OF 2014
ALONG WITH
CIVIL APPLN. NO. 3269 OF 2014 IN F.A. NO.228 OF 2014
WITH
CIVIL APPLN. NO. 3270 OF 2014 IN F.A. NO.233 OF 2014
ALONG WITH
CIVIL APPLN. NO. 3271 OF 2014 IN F.A. NO.315 OF 2014
WITH
CIVIL APPLN. NO. 3272 OF 2014 IN F.A. NO.320 OF 2014
ALONG WITH
CIVIL APPLN. NO. 3273 OF 2014 IN F.A. NO.365 OF 2014
WITH
CIVIL APPLN. NO. 3274 OF 2014 IN F.A. NO.366 OF 2014**

Bhiwandi Nizampur City Municipal
Corporation

v/s

State of Maharashtra & anr.

... Applicant in all
applications

... Respondents in
all applications.

Mr.R.S. Apte, Senior Counsel i/by N.R.Bubna for the applicant.
Mr.A.R. Patil, A.G.P For respondent No.1 in all applications.
Mr.R.S. Datar for respondent No.2 in all applications.

CORAM: K.K.TATED, J.

DATED : 21 JANUARY 2015

PC.:

Heard learned counsel for parties.

2 These civil applications are preferred by the acquiring body for carrying out appropriate amendment by adding grounds of appeal as per Schedule-A annexed to the present civil applications.

3 Learned counsel appearing for respondents submit that they have no objection for carrying out amendment in terms of prayer clause (a).

4 Learned senior counsel Mr.Apte appearing on behalf of the applicant Corporation submits that the awarded interest in respect of compensation is at the rate of 15% per annum from the date of taking over possession, which is contrary to the amended provision of Land Acquisition Act. He submits that, at the most claimants are entitled to interest initially for a period of one year at the rate of 9% and thereafter 15% interest on enhanced compensation only. It is to be noted that this issue can be decided only at the time of final hearing of the first appeal. Hence, at present prayer clause (b) cannot be granted at this stage.

5 Learned senior counsel for the applicant submits that they have already deposited the entire amount. Hence, prayer clauses (c) and (d) do not survive as infructuous.

6 Considering the submissions made by learned senior counsel for the applicant and no objection given by the advocate for the respondent No.2 – original claimant, civil applications are allowed in terms of prayer clauses (a) which reads thus :-

(a) Permission be granted to amend the appeal by adding grounds of appeal as per Schedule “A” annexed to present applications.

(b) The applicant to carry out appropriate amendment within six weeks from today failing which the civil applications will stand dismissed without referring back to the Court.

(c) If appropriate amendment is carried out as stated above, the applicant is directed to service amended copy of appeal memo on respondents or their advocates thereafter.

(d) All the civil applications stand disposed of accordingly.

(*K.K.TATED, J.*)