

pmw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2651 OF 2014

M/s. B.J. Development Corporation and another ... Petitioners

Versus

The Municipal Corporation of
Greater Mumbai and Ors. ... Respondents

Mr. Vishal Kanade a/w Mr. Nivit Srivastava, Nakul Jain, Harsh Behany
i/by Maniar Srivastava Associates, for the Petitioners.

Mr. Milind More, Additional Government Pleader, for Respondent Nos.5,
6 and 7.

Mrs. Geeta Jogalekar, for Respondent – BMC.

**CORAM : A.S. OKA &
K.R. SHRIRAM, JJ.**

DATE : 19th AUGUST, 2015

PC.

. The learned AGP states that in terms of the notification dated 19th March, 2014, the first Respondent (Acquiring Body) will have to deposit even the administrative cost of acquisition. The learned counsel appearing for the first Respondent states that by letter dated 11th July, 2014, the Sub-Divisional Officer of Mumbai Suburban District informed the first Respondent to deposit the total amount of Rs.17,47,74,960/- which includes the amount equivalent to 2/3rd of

estimated compensation, 3% of the estimated amount of compensation towards the administrative cost and 3% towards the other cost. On instructions, he states that the entire amount of Rs.17,47,74,960/- has been deposited by the first Respondent with the State Government.

2. The learned counsel appearing for the Petitioners states that if the acquisition is completed within a reasonable time, the Petitioners will not press this Petition. He submits that the Petitioners are challenging the estimate of the compensation arrived at.

3. In view of the deposit of the aforesaid amount, the State Government will have to complete the entire acquisition in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as expeditiously as possible and in any event within a period of one year from 14th August, 2015.

4. As far as the quantum of compensation is concerned, after an Award is made, the Petitioners have remedies available and, therefore, all issues concerning the quantum of compensation are kept open. We dispose of the Petition by passing the following order :-

ORDER

- (i) We direct the State Government to complete the acquisition proceedings in relation to the land described in paragraph 3.1 of the Petition as expeditiously as possible and in any event within a period of one year from 14th August, 2015;
- (ii) All contentions of the parties on the issue of quantum of compensation are kept open;
- (iii) The Petition is disposed of on above terms;
- (iv) All contentions on merits are kept open.

(K.R. SHRIRAM, J)**(A.S. OKA, J)**

Certified to be true and correct copy of the original signed
Judgment/order.