

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO.903 OF 2014

IN

CROSS OBJECTION ST. NO.3792 OF 2014

IN

FIRST APPEAL NO.939 OF 2012

Sudhakar S/o Shriram Hande

..vs..

VIDC, thr its Exe. Engineer, Yavatmal and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S.V. Ingole, counsel for the applicant/objector.
Shri J.B. Kasat, counsel for appellant.

CORAM : A. S. CHANDURKAR, J.

DATED : APRIL 20, 2015

Heard.

Prayer is to condone the delay in filing the cross objection. The reasons for delay are mentioned in paragraph No.2 of the application.

The application is opposed by learned counsel for non-applicant No.1 – appellant V.I.D.C. on the ground that the reasons assigned are not sufficient.

Considering the averments made in paragraph No.2 of the application and judgment of this Court in the case of **State of Maharashtra and ors ...vs... Yashwant Kahnu Shrisath**, reported at **2008(1) Bom.C.R. 204** delay in filing the cross objection stands condoned. However, the applicant – cross objector would not be entitled for interest for the period from 1.1.2013 till date as he was served with

the memorandum of appeal on 22.11.2012.

The civil application is disposed of accordingly.

Cross Objection ST. No.3792 of 2014

Heard.

ADMIT.

First Appeal No.939 of 2012

Heard.

As it is submitted by the learned counsel for the parties that similar matters arising out of the same Notification have been decided by this Court, the appeal is taken for final hearing.

Land admeasuirng 1H 22R of Survey No.80 was acquired for Bemla Project. The Notification, under Section 4 of the Land Acquisition Act, 1894, is dated 31.12.1998 and the award was passed on 22.2.2002.

Considering very same Notification and award, this Court on 26.7.2012 in First Appeal No.1263 of 2009 and connected matters granted enhancement and valued land at Rs.1,35,000/- per Hectare.

Considering the aforesaid adjudication and for the reasons assigned therein, the following order is passed :

ORDER

- 1) Respondent No.1 is held entitled to receive compensation for the land at the rate of Rs.1,35,000/- per Hectare with all statutory

benefits.

2) However, in view of order passed on Civil Application (CAO) No.903 of 2014, respondent No.1 would not be entitled for interest on enhanced amount for the period from 1.1.2013 till date.

3) The first appeal and the cross-objection are disposed of in aforesaid terms. There shall be no order as to costs.

JUDGE

!! BRW !!