IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO.917 OF 2016
IN FAST/1235/2016 WITH CA/918/2016 IN FAST/1235/2016 WITH CA/922/2016 IN FAST/1247/2016 WITH CA/924/2016 IN FAST/1247/2016 WITH CA/927/2016 IN FAST/1251/2016 WITH CA/929/2016 IN FAST/1251/2016 WITH CA/949/2016 IN FAST/1239/2016 WITH CA/950/2016 IN FAST/1239/2016 WITH CA/958/2016 IN FAST/1215/2016 WITH CA/959/2016 IN FAST/1215/2016 WITH CA/961/2016 IN FAST/1223/2016 WITH CA/963/2016 IN FAST/1223/2016 WITH CA/992/2016 IN FAST/1219/2016 WITH CA/993/2016 IN FAST/1219/2016 WITH CA/997/2016 IN FAST/1231/2016 WITH CA/998/2016 IN FAST/1231/2016 WITH CA/8051/2016 IN FAST/1227/2016 WITH CA/8053/2016 IN FAST/1227/2016 WITH CA/9796/2016 IN FAST/1243/2016 WITH CA/9797/2016 IN FAST/1243/2016

THE EXECUTIVE ENGINEER, KUKADI DISTRIBUTION AND CONSTRUCTION, DIVISION KOLWADI
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...
Advocate for Applicants : Mr. Rajale Gulab B.
Mr. SP Deshmukh, AGP for Respondent No.1;
Mr. M R Sonawane, Adv. For R/2.

CORAM : P.R.BORA, J.

DATE : 22nd September,2016.

PER COURT :

1. Issue notice to the respondents. Shri M.R.Sonawane, learned Counsel, waives service for respondents in all these matters who are original claimants in the Reference applications.

Learned AGP waives service for Respondent No.1. Service complete.

2. Delay of 2993 days has occurred in filing the present appeals by the acquiring body. Shri Rajale, learned Counsel appearing for the acquiring body submitted that in the Reference proceedings, the acquiring body was not made party respondent and, as such, was not aware as to the passing of the award in the said matters. Learned Counsel further submitted that only after filing of the execution proceedings and after receiving some orders from the Collector, the acquiring body became aware of the said proceedings. Learned Counsel submits that the acquiring body needs to be given an opportunity to put its say on record and to contest the matter on merits and on this ground, learned Counsel has prayed for condonation of delay in filing the appeals.

3. Shri Sonawane, learned Counsel appearing for original claimants, has opposed for condonation of delay. Learned Counsel submitted that huge delay has occurred and same has not been sufficiently explained. Learned Counsel further submits that the acquisition is of the year 1994 and, as such, no leniency can be shown in condonation of delay.

4. After having considered the submissions advanced by the learned Counsel for the respective parties, I am inclined to allow the present application only for the reason that the acquiring body was not made a party respondent in the Reference proceedings. In fact, the acquiring body is a necessary party in the Land Acquisition References. Hence, the following order:

ORDER

a) The Civil Applications for condonation of delay are allowed. The delay caused in filing the appeals is condoned. Civil Applications stand disposed of

b) The appeals be registered in accordance with law.

5) In view of the fact that the entire amount under the Award along with the interest accrued thereon, the interim stay granted earlier is made absolute. Civil Applications for stay are disposed of.

6) Place all these matters with connected matter for admission on 29th September, 2016.

(P.R.BORA)
JUDGE

bdv/