IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 9081 OF 2016
IN FAST/17736/2016 WITH CA/9084/2016 IN FAST/17736/2016 WITH CA/9085/2016 IN FAST/18214/2016 WITH CA/9086/2016 IN FAST/18214/2016 WITH CA/9087/2016 IN FAST/18229/2016 WITH CA/9088/2016 IN FAST/18229/2016 WITH CA/9089/2016 IN FAST/18233/2016 WITH CA/9090/2016 IN FAST/18233/2016 WITH CA/9091/2016 IN FAST/18217/2016 WITH CA/9092/2016 IN FAST/18217/2016 WITH CA/9093/2016 IN FAST/18220/2016 WITH CA/9094/2016 IN FAST/18220/2016 WITH CA/9095/2016 IN FAST/18206/2016 WITH CA/9097/2016 IN FAST/18206/2016 WITH CA/9098/2016 IN FAST/18223/2016 WITH CA/9099/2016 IN FAST/18223/2016

THE EXECUTIVE ENGINEER, BEED MINOR IRRIGATION DIVISION, HEAD QUARTER AT AMBAJOGAI
VERSUS
GOVARDHAN BHAGWANRAO KARPE AND ORS
...
Advocate for Applicant : Mr. Patil Ruturaj C.
Mr. Gaikwad T. G. Adv For Resp 1,2,5.

CORAM : P.R.BORA, J.

DATE : 27th September,2016.

PER COURT :

1) Heard Shri Patil, learned Counsel appearing for the acquiring body. The learned Counsel inviting my attention to the contentions raised in para 2 of the application and more particularly sub-para (ii) thereof, submitted that the acquiring body has sufficiently explained the causes for delay, which has occurred in filing the present appeals. It is

the further contention of the acquiring body in para 2(ii) of the application that since the concerned project has already been completed, the squiring body was required to obtain necessary sanctions from different authorities and with great difficulty it could collect the amount require to be paid towards court fees for filing the present appeals. The learned Counsel further submitted that in the present appeals, the acquiring body is not so seriously disputing the quantum of amount of compensation awarded by the Reference Court, but is objecting to the order so far as it relates to grant of interest under Section 34 of the Land Acquisition Act from the date of taking the possession of the acquired lands and not from the date of Award. The learned Counsel for the aforesaid reasons prayed for condoning the delay.

2) Shri Gaikwad, learned Counsel appearing for the original claimants has resisted the submissions made on behalf of the appellant. The learned Counsel submitted that financial

difficulty cannot be raised as a ground for not filing the appeal within the period of limitation. The learned Counsel submitted that the delay caused is because of the lethargy on the part of the concerned officers of the acquiring body. The learned Counsel, therefore, prayed for rejection of the application.

3) After having considered the submissions of the learned Counsel and more particularly taking into account the submissions advanced by Shri Patil, learned Counsel appearing for the acquiring body, I am inclined to allow the present applications. It is difficult to say that there are no reasons in justification of the delay. Apparently, there seems no reason to disagree with the contentions raised in the application. Moreover, as was submitted by Shri Patil, the quantum of compensation is not seriously disputed by the acquiring body and the acquiring body is disputing the impugned order only to the extent of interest granted by the

Reference Court under Section 34 of the Act. Hence, the following order, -

ORDER

i) The applications for condonation of delay are allowed. The delay caused in filing the appeals is condoned.

ii) The appeals be registered in accordance with law.

4) Issue notice in the appeals to the respondent. Shri Gaiwkad waive service for the original claimants. Service is complete.

5) Place all these matters for final disposal at admission stage on 10th October, 2016.

(P.R.BORA)
JUDGE

bdv/