

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

45 CIVIL APPLICATION NO. 13243 OF 2015
IN FAST/30174/2015 WITH CA/13244/2015 IN FAST/30174/2015

ANIL DAGADU BAVASKAR
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2 UPPER TAPI
PROJECT, HATNUR AND ANOTHER

...
Advocate for Applicant : Kshirsagar Hemraj P.
AGP for Respondent No. 1: K.N. Lokhande
Advocate for Respondent No. 2 : Kutti Choudhary Chaitali R.
...

CORAM : T.V. NALAWADE, J.
DATED : 11th January, 2016.

PER COURT :

1. Civil Application No. 13243/2015 is filed for condonation of delay of 2083 days caused in filing appeal against judgment and award of Reference Court. In view of the contents of the application and submissions made by the learned counsel for the applicant, this Court holds that delay deserves to be condoned. However, huge delay is caused and interest at higher rate will be required to pay by the Acquiring Body. In view of this possibility, the learned counsel for appellant made a statement that appellant/applicant will not be claiming interest in respect of delay period. In view of this circumstances, following order is made.

(i) Application is allowed. Delay is condoned, subject to condition that no interest will be paid to the appellant in case

appeal is allowed and compensation is paid in respect of 2083 days.

2. Notice in appeal. Learned counsel Mrs. Kutti waives notice for respondent No.2. The learned AGP waives notice for respondent No. 1.

3. Notice in Civil Application No. 13244/2015 filed for permission to amendment in appeal. Learned counsel Mrs. Kutti waives notice for respondent No.2. The learned AGP waives notice for respondent No. 1. This application will be heard on 1.2.2016.

[T.V. NALAWADE, J.]

ssc/