

183. It has been stated by the learned Counsel appearing for the petitioners that not only the legal question but facts are also same as award was also same and same award was challenged by another petitioner before the Supreme Court and in that context, the Supreme Court has passed the said judgment in the case of **Pune Municipal Corporation** (*supra*).

3. The contention of the learned Counsel for the Corporation is that the petitioners did not file the Petition immediately and after passing of the judgment in the case of **Pune Municipal Corporation** (*supra*), petitioners have filed this Petition. However, we find that the Petition was filed in the year 2009 itself and therefore, this contention of the respondent -Corporation has no merit, even otherwise before the Supreme Court also the award which was challenged was passed 5 years prior to the coming into force of the new Act. In the circumstances, this contention of the learned Counsel for the Corporation has no merit.

4. So far as the contention of the learned Counsel for the respondent- Corporation that the Corporation has filed Review Petition in respect to the judgment passed by the Supreme Court in the case of **Pune Municipal Corporation** (*supra*), it has been fairly stated by the learned Counsel for the Corporation that though the Review Petition has been filed, there is no stay to the judgment. In the circumstances, we are of the view that disposal of the Petition cannot be deferred on the ground that Review Petition has been filed at the instance of the Corporation.

5. Having considered the submissions made by the learned Counsel for the parties and having gone through the said judgment, more particularly, paragraph 20, we are of the view that for the reasons stated in the said judgment passed by the Supreme Court, Petition deserves to be allowed.

6. As a result, Petition is allowed and we hold that subject land acquisition proceedings have deemed to be lapsed

under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisitions, Rehabilitation and Resettlement Act, 2013. As a result, actual physical possession of the petitioner's subject land is ordered to be restored to the petitioners.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)