

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

CIVIL APPLICATION (CAF) NO.3478 OF 2015

IN

FIRST APPEAL ST. NO.15842 OF 2015

(EXECUTIVE ENGINEER, KUMBHARKINHI DAM...VS..GUNU PANDURANG BORCHATE & OTH.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 20, 2016.

Heard Shri Anoop Parihar, advocate for the applicant/ appellant, Shri Amol Darekar, advocate for the respondent No.1 and Shri M.A. Kadu, A.G.P. for the respondent Nos.2 & 3.

The appellant has filed appeal challenging the award passed by the reference Court enhancing the compensation. As there is delay of 860 days in filing the appeal, this application praying for condonation of delay is filed.

Pursuant to the notification under Section 4 of the Land Acquisition Act, 1894 published in the Government Gazette dated 4th December, 1997, 4.55 hectare land owned by the claimant was acquired. The Land Acquisition Officer granted compensation @ Rs.38,000/- per hectare. Being dissatisfied with the amount of compensation, the claimant requested for reference under Section 18 of the Land Acquisition Act, 1894. The reference Court, after considering the sale-deed dated 6th December, 1994 (Exh.31) and the

award passed by the reference Court in other proceedings in respect of the land situated in same village by which the compensation was granted @ Rs.90,000/- per hectare has determined the amount of compensation @ Rs.1,00,000/- per hectare.

The award challenged in the appeal is passed on 21st December, 2012. It is stated that the application for obtaining certified copy of the award was made on 12th December, 2013, it was received on 1st April, 2014 and then after the matter was processed appeal came to be filed. There is no explanation why the application for obtaining certified copy was not made immediately or within the period prescribed for filing the appeal. The explanation given in the application cannot be said to be “sufficient” for condoning the inordinate delay.

The application is **dismissed**. Consequently, the appeal is rejected.

The amount deposited by the appellant with the Registry of this Court be given to the respondent No.1-claimant after two months, alongwith interest.

JUDGE

CERTIFICATE

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