

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

955 FAST/2986/2015 WITH CA/3369/2015 IN FAST/2986/2015
WITH FAST/2989/2015 WITH CA/3371/2015 IN FAST/2989/2015
WITH FAST/2992/2015 WITH CA/3373/2015 IN FAST/2992/2015

TAPI IRRIGATION DEVELOPMENT CORP. THROUGH THE EXE
ENGINEER WAGHUR PROJECT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr Dhongade Suresh D.

AGP for Respondents: Mr C V Dharurkar

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956 FAST/2952/2015 WITH CA/3428/2015 IN FAST/2952/2015
WITH FAST/2955/2015 WITH CA/3430/2015 IN FAST/2955/2015
WITH FAST/2958/2015 WITH CA/3432/2015 IN FAST/2958/2015

TAPI IRRIGATION DEVELOPMENT CORP. THROUGH THE EXE
ENGINEER WAGHUR DAM DIVISION

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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966 FAST/2973/2015 WITH CA/4388/2016 IN FAST/2973/2015
WITH FAST/2976/2015 WITH CA/4390/2016 IN FAST/2976/2015
FAST/2979/2015 WITH CA/4392/2016 IN FAST/2979/2015 WITH
FAST/2982/2015 WITH CA/4394/2016 IN FAST/2982/2015

TAPI IRRIGATION DEVELOPMENT CORP. THROUGH THE EXE
ENGINEER WAGHUR DAM DIVISION

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr Dhongade Suresh D.

AGP for Respondents: Mr S S Dande

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973 FAST/4659/2015 WITH CA/7791/2016 IN FAST/4659/2015

THE EXECUTIVE ENGINEER, WAGHUR DAM DIVISION,
JALGAON

VERSUS

THE COLLECTOR, JALGAON AND ORS

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Advocate for Applicant : Mr Dhongade Suresh D.

AGP for Respondents: Mr A M Phule

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967 FAST/2962/2015 WITH CA/4829/2016 IN FAST/2962/2015
WITH FAST/2965/2015 WITH CA/4831/2016 IN FAST/2965/2015
FAST/2970/2015 WITH CA/4833/2016 IN FAST/2970/2015

TAPI IRRIGATION DEVELOPMENT CORP. THROUGH THE EXE
ENGINEER WAGHUR PROJECT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents: Mr S P Sonpavale

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968 FAST/4206/2015 WITH FAST/4209/2015 WITH
CA/6421/2016 IN FAST/4209/2015 WITH FAST/4212/2015 WITH
CA/6425/2016 IN FAST/4212/2015 WITH CA/6428/2016 IN
FAST/4206/2015

TAPI IRRIGATION DEVELOPMENT CORPORATION THR THE EXE
ENGINEER WAGHUR PROJECT

VERSUS

THE COLLECTOR, JALGAON AND OTHERS

...

Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents: Mr B V Virdhe

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969 FAST/4951/2015 WITH CA/6546/2016 IN FAST/4951/2015
WITH FAST/4956/2015 WITH CA/6548/2016 IN FAST/4956/2015

TAPI IRRIGATION DEVELOPMENT CORPORATION THR THE EXE
ENGINEER WAGHUR PROJECT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents: Mr A M Phule

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970 FAST/3306/2015 WITH CA/6593/2016 IN FAST/3306/2015
WITH FAST/3291/2015 WITH CA/6595/2016 IN FAST/3291/2015
WITH FAST/3294/2015 WITH CA/6597/2016 IN FAST/3294/2015
WITH FAST/3297/2015 WITH CA/6599/2016 IN
FAST/3297/2015 WITH FAST/3303/2015 WITH CA/6601/2016 IN
FAST/3303/2015 WITH FAST/3300/2015 WITH CA/6603/2016 IN
FAST/3300/2015

TAPI IRRIGATION DEVELOPMENT CORPORATION THR THE EXE
ENGINEER WAGHUR PROJECT

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER-1 U.T.P.H.NO.1
JALGAON AND ANOTHER

...

Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents: Mr S S Dande

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972 FAST/3665/2015 WITH CA/7726/2016 IN FAST/3665/2015
WITH FAST/3678/2015 WITH CA/7729/2016 IN FAST/3678/2015
WITH FAST/3675/2015 WITH CA/7731/2016 IN FAST/3675/2015
WITH FAST/3672/2015 WITH CA/7733/2016 IN FAST/3672/2015
WITH FAST/3668/2015 WITH CA/7737/2016 IN FAST/3668/2015

THE EXECUTIVE ENGINEER, WAGHUR DAM DIVISION,
JALGAON
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, U.T.P.H. NO.1,
JALGAON AND ANR

...
Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents: Mr B V Virdhe

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974 FAST/4124/2015 WITH CA/7795/2016 IN FAST/4124/2015

THE EXECUTIVE ENGINEER, WAGHUR PROJECT, JALGAON
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents: Mr S S Dande

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978 FAST/4129/2015 WITH CA/8009/2016 IN FAST/4129/2015
WITH FAST/4150/2015 WITH CA/8011/2016 IN FAST/4150/2015
WITH FAST/4136/2015 WITH CA/8013/2016 IN FAST/4136/2015
WITH CA/8015/2016 IN FAST/4144/2015

THE EXECUTIVE ENGINEER, WAGHUR PROJECT, JALGAON
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents: Mr S S Dande

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979 FAST/4163/2015 WITH FAST/4168/2015 WITH
CA/8032/2016 IN FAST/4168/2015 WITH CA/8034/2016 IN
FAST/4163/2015

THE EXECUTIVE ENGINEER, WAGHUR PROJECT, JALGAON
VERSUS
THE COLLECTOR, JALGAON AND OTHERS

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977 FAST/4594/2015 WITH CA/7984/2016 IN FAST/4594/2015
WITH FAST/4612/2015 WITH CA/7986/2016 IN FAST/4612/2015
FAST/4615/2015 WITH CA/7988/2016 IN FAST/4615/2015 WITH
FAST/4618/2015 WITH CA/7990/2016 IN FAST/4618/2015 WITH
FAST/4597/2015 WITH CA/7992/2016 IN FAST/4597/2015 WITH
FAST/4600/2015 WITH CA/7994/2016 IN FAST/4600/2015 WITH

FAST/4603/2015 WITH CA/7996/2016 IN FAST/4603/2015 WITH
FAST/4609/2015 WITH CA/7998/2016 IN FAST/4609/2015 WITH
FAST/4606/2015 WITH CA/8000/2016 IN FAST/4606/2015

THE EXECUTIVE ENGINEER, WAGHUR DAM DIVISION,
JALGAON
VERSUS
THE COLLECTOR, JALGAON AND ORS

...
Advocate for Applicant : Mr Dhongade Suresh D.
AGP for Respondents : Mr A M Phule

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CORAM : V.K. JADHAV, J.
Dated: April 20, 2017
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ORAL ORDER :-

1. All these appeals deal with acquisition of the house properties of the claimants on account of submergence of area under Waghur Dam.

2. A group of First Appeals bearing First Appeal No.3060 of 2013 with connected First Appeals came to be disposed of this Court (Coram : S.V. Gangapurwala, J.) vide judgment and order dated 19/12/2013, thereby upholding the valuation made by the Reference Court in respect of the land at Rs.600/-per R, however, had granted enhancement of compensation in respect of the structures, wherein the Valuer's report was considered by this Court and had deducted 10% from the said Valuer's report. In para 7, 8 and 9, it was observed as under :

"7. The Court has appreciated the evidence on record and had come to the conclusion that he accepts the valuation report. But then no reason is given for deducting the amount in some of the matters upto 60% to 75% and in majority of matters 25%.

8. There may be some error. To work out the said margin of error, some deduction would be

permissible from the amount as suggested by the Valuer. Considering the fact that the properties acquired are lands and small houses the margin of error would also be less.

9. In the light of the above, it would be appropriate to deduct 10% from the valuation as shown by the expert.

3. In a group of First Appeals bearing First Appeal No.2745/2015 with connected First Appeals, this Court (Coram : S.V.Gangapurwala, J.), vide judgment and order dated 21/10/2015, disposed of the said Appeals arising out of the same project and the judgment and award passed by the Reference Court in the light of the observations made earlier as referred in para No.2 of this order, bearing First Appeal No.3060/2013 with connected First Appeals.

4. In view of the above, there is no reason to take any other view. There is no substance in the appeal. All the First Appeals are thus liable to be dismissed.

5. In view of disposal of the First Appeals, Civil Applications for stay do not survive and same are disposed of.

(V.K. JADHAV)
JUDGE

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