

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

**CIVIL APPLICATION NO. 12774 OF 2016
IN
FIRST APPEAL STAMP NO. 16370 OF 2016**

Executive Engineer Upper Penganga
Project Dv.No. 8 now Division No. 6
Nanded under GMIDC and others

...APPLICANTS

versus

Bhojaram Poshetti Shelke and another

...RESPONDENTS

**WITH
CIVIL APPLICATION NO. 12776 OF 2016
IN
FIRST APPEAL STAMP NO. 16377 OF 2016**

Executive Engineer Upper Penganga
Project Dv. No. 8 now Division No. 6
Nanded under GMIDC and others

...APPLICANTS

versus

Amina Firdos Sirajoddin @
Amina Begum Sirajoddin Ab Raheman

...RESPONDENTS

.....
Mr. B.R. Surwase, Advocate for applicants-appellants
Mr. Ravindra V. Gore, Advocate for respondents-original claimants
.....

CORAM : K.K. SONAWANE, J.

DATED : 23rd AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicants and learned counsel for respondent original claimants.
2. Perused the applications. Learned Counsel for applicant-Acquiring Body submits that due to official procedure to present the appeals,

delay has been caused. He submits that delay is not deliberate and intentional but caused owing to administrative compliance. As such, he prayed to condone the delay.

3. Learned counsel for the respondent - original claimants raised objection and submit that delay has not been properly explained and it would be unjust and improper to condone the delay and he prayed to dismiss the applications for condonation of delay.

4. I have heard the submission canvassed on behalf of both sides and perused the applications as well as the impugned judgment and awards against which the applicant-Acquiring Body is intending to file the appeals.

5. The matter pertains to land acquisition proceedings. The learned Reference Court partly allowed the References of the respondents-original claimants filed under Section 18 of the Land Acquisition Act. The applicant Acquiring Body is intending to agitate the findings recorded by the learned Reference Court on the issue of market value arrived at by the learned Reference Court, which according to Acquiring Body, is exorbitant. It has been contended that after the impugned judgment and award of the Reference Court, the Acquiring Body being an independent institution, approached to its counsel as directed by the superior officers and obtained the tentative figure of proposed expenditure for filing the appeals. The applicant-Acquiring Body made necessary arrangement of finance for requisite court fees etc., and thereafter preferred the present appeals with application for

condonation of delay. The impugned delay was not intentional and deliberate but owing to compliance of official process.

6. I am of the considered opinion that reasonable opportunity needs to be given to the applicant Acquiring Body to ventilate its grievances in the appellate forum. It is to be noted that the matter pertains to the enhancement of compensation amount under the Land Acquisition Act. The appellant is the Government Agency i.e. Acquiring Body and in view of public interest, it is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. If the appeals of the appellant Acquiring Body are not allowed to be presented for further process on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicant - Acquiring Body to present appeals by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest of justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeals.

[K. K. SONAWANE]
JUDGE