

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

CIVIL APPLICATION (CAF) NO. 2034 OF 2016

IN

FIRST APPEAL NO. 798 OF 2015

(EXECUTIVE ENGINEER, MEDIUM PROJECT DN....VS.. DAULAT PARNUJI RAKSHIT & OTH.)

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

Court's or Judge's orders

Shri S.K. Bhoyar, Adv. h/f. Shri Anoop Parihar, Adv. for appellant.
Shri C.R.Najbile, Advocate for respondent Nos. 1-a to 1-d.
Shri H.D.Dubey, A.G.P. for respondent Nos. 2 & 3.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 16, 2017.

Request is made for adjournment on behalf of the advocate for the appellant, however, considering the facts of the case, civil application is taken up for consideration.

The learned advocate for the respondent Nos.1(a) to 1(d)-claimants points out that in paragraph 3 of the application it is stated that the amount of award could not be deposited earlier because of administrative difficulties, however, at the time of filing of the application, cheque for the amount of Rs.21,93,374/- issued on 31st March, 2016 was ready and it would be deposited with the Registry of this Court. The civil application is filed on 21st June, 2016. The cheque might have expired by now. There is no apparent reason why the appellant has not immediately circulated the matter and deposited the cheque. The impugned award directs the appellant to pay 15% interest on the amount of compensation after one year of the award. Because of the lapse on the part of the officials of the appellant Corporation the amount of interest of 15% will have to be paid to the

claimants. The Corporation cannot be put to loss because of laxity on the part of the officials who are required to follow up the matters.

In view of the above, the application is **rejected**.

The Executive Director of the appellant Corporation shall cause enquiry and recover the amount of 15% interest payable to the claimants for the delayed payment from the concerned officer/ officials and place action taken report on the record of this appeal within three months.

JUDGE

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