

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT NAGPUR**

CIVIL APPLICATION NO.390 OF 2017
IN
FIRST APPEAL ST.NO.25572 OF 2015

V.I.D.C., thorough its
Executive Engineer,
Bembla Project Division,
District Yavatmal

.. Applicant

Versus

Suresh Vithoba Patil and ors.

.. Respondents

Mr J.B. Kasat, Advocate for applicant
Mr R.D. Hajare and L.B. Rathi, Advocates for respondent no.1
Mrs M.S. Naik, AGP for respondents no.2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 3rd May 2017

PER COURT

1. Perused the application. There is delay of 500 days in preferring the appeal. The delay of 500 days is not properly explained. Be that as it may, by virtue of enhancement, the claimant pursuant to Section 4 notification dated 13th August 1998 is granted Rs.500/- per sq.meter for open plot and Rs.1,690/- per sq.meter for constructed area. As such, the compensation, if calculated per square feet comes to around Rs.50/- per sq.ft. for open plot and around Rs. 190/- per sq.ft. for constructed area.

2. The compensation awarded for the constructed area is based on the expert's evidence. I hardly see any exorbitant compensation granted. The award is based on the material evidence brought before it. The appeal as such fails, stands dismissed.

3. In view of dismissal of appeal, the undertaking by the acquiring body that it shall deposit the amount in this Court within four weeks from today. After the appeal period is over, the respondent-claimant will be at liberty to withdraw the same.

(N.W. SAMBRE, J.)

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