

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.1934 OF 2018

IN

FIRST APPEAL NO.1270/2017

WITH

**FA/809/2017 WITH CA/1935/2018 IN FA/1269/2017 WITH
CA/1936/2018 IN FA/1271/2017 WITH CA/1937/2018 IN
FA/1272/2017 WITH CA/1939/2018 IN FA/1273/2017 WITH
CA/1940/2018 IN FA/1274/2017 WITH CA/1941/2018 IN
FA/1276/2017 WITH CA/1946/2018 IN FA/1277/2017 WITH
CA/1947/2018 IN FA/1278/2017 WITH CA/1948/2018 IN
FA/1279/2017 WITH CA/1949/2018 IN FA/1281/2017 WITH
CA/1950/2018 IN FA/1275/2017 WITH CA/1963/2018 IN
FA/1275/2017 WITH CA/1964/2018 IN FA/1280/2017**

**GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
THROUGH THE EXECUTIVE ENGINEER.**

VERSUS

DR. ANIRUDH VITHALRAO KULKARNI AND ANOTHER.

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**Advocate for Applicant : Dr.Smt.Bharaswadkar Patil
Kalpalata.**

Advocate for Respondents :

**Shri C. R. Deshpande And C. C. Deshpande For Respondent
No.1.**

Shri K. K. Kolapkar For Respondent NO.2.

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CORAM: M.S. SONAK, J.

DATE: 16.02.2018

ORDER :

1] Heard Dr.Smt.Kalpalata Patil Bharaswadkar, learned

counsel for the applicant – Corporation.

2] By order dated 7.4.2017, the applicant secured stay on the execution of the impugned awards subject to deposit of the entire compensation amount together with interest within 12 weeks.

3] Admittedly, no deposit was made within 12 weeks. Since the stay was conditional and the condition has not been complied with, the stay stands vacated.

4] It is pertinent to note that before the expiry of 12 weeks, the Corporation did not even bother to apply for any extension of time.

5] On 22.1.2018 i.e. almost six months after the expiry of the period for deposit, these civil applications have been taken out seeking leave to deposit only 50% of the awarded amount and seeking further extension of 12 weeks to deposit the balance amount.

6] On perusal of the reasons set out in the civil applications, it is necessary to observe that the reasons are not convincing.

7] The Corporation, as the acquiring body, has acquired the lands belonging to farmers and agriculturists. The farmers and agriculturists, being dissatisfied with the

inadequate compensation awarded by the Land Acquisition Officer, applied for references, which references have been partly allowed by the Reference Court way back in the year 2013. For the last five years, no enhanced compensation has been paid by the Corporation to these farmers and agriculturists. The execution of the awards was stayed subject to a condition, which the Corporation has failed to comply with. There is really no case made out for grant of this kind of indulgence based upon the reasons set out in the civil applications.

8] Since it is stated that the cheque for 50% of the amount is ready and available, the Corporation is directed to deposit the said amount in this Court. The Registry is directed to accept the same and after clearance of the cheque, transmit the said amount to the executing Court. The executing Court thereafter may execute the award in accordance with law.

9] With the aforesaid observations and directions, the civil applications are dismissed.

(M.S. SONAK, J.)