

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

**942 CIVIL APPLICATION NO. 5837 OF 2012
IN FAST/6760/2012**

THE EXECUTIVE ENGINEER, MEDIUM
PROJECT, LATUR

.. Applicant

VERSUS

THE STATE OF MAH THR COLLECTOR,
LATUR & ORS

..Respondents

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Advocate for Applicant : Shri S.K. Rahane

AGP for Respondent – State : Shri A.M. Phule

Advocate for the respdts in respective matters: Shri S.G. Sakolkar

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WITH

CA/5839/2012 IN FAST/6795/2012

CA/5841/2012 IN FAST/6799/2012

CA/5843/2012 IN FAST/6789/2012

CA/5845/2012 IN FAST/6792/2012

CA/5847/2012 IN FAST/6785/2012

CA/5849/2012 IN FAST/6803/2012

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CORAM : PR. BORA, J.

Dated: September 05, 2018

PER COURT :

1. Heard Shri S.K. Rahane, the learned Counsel appearing for the Acquiring Body, Shri A.M. Phule, AGP appearing for the State and Shri S.G. Sakolkar learned Counsel appearing for some of the respondents i.e. original claimants.

2. The Acquiring Body has filed the present applications

seeking condonation of delay, which has occurred in filing the present appeals. The learned Counsel for the Acquiring Body submitted that, in seeking procedural compliances and in making the funds available for payment of the Court fees etc., time was consumed and that is the reason that, the appeals could not be filed within the period of limitation. The learned Counsel submitted that, delay caused is unintentional and for *bonafide* reasons. The learned Counsel further submitted that, substantial grounds are raised in exception to the impugned Award and as such, the delay needs to be condoned, so that, the appeals can be heard on merits.

3. Shri Sakolkar the learned Counsel appearing for the claimants opposed the submissions advanced on behalf of the applicant. The learned Counsel submitted that, the huge delay of more than 2 ½ years has not been appropriately explained. The learned Counsel submitted that, in seeking sanction or in obtaining legal opinion as well as for available of funds, no such time can be said to have consumed and the delay seems to have occurred only because of the negligence on part of the

concerned officials. The learned Counsel, therefore, prayed for rejection of the applications.

4. After having considered the submissions and on perusal of the contents of the applications, apparently, it does not appear to me that, any sufficient cause is made out by the Acquiring Body for condoning the delay. Moreover, I have also gone through the memo of appeal and grounds of objections raised in exception to the impugned Judgment. Even from the grounds of objections raised in the memo of appeal as well as from the submissions made by the learned Counsel appearing for the Acquiring Body, it is transpired that, insofar as the market rate determined by the reference Court, there is no serious objection. The objection seems to be only to the aspect of interest awarded under Section 34 of the Land Acquisition Act. However, as I stated earlier, since the Acquiring Body has failed in explaining the huge delay of more than 2 ½ years, I am not inclined to allow these applications. Since the applications for condonation of delay are liable to be rejected, obviously the appeals on stamp number would also stand dismissed. While

rejecting the present applications and consequently appeals on stamp numbers, I require to pass some further orders in view of the fact that, in Civil Application Nos.5838 of 2012, 5840 of 2012, 5842 of 2012, 5844 of 2012, 5846 of 2012, 5848 of 2012 & 5850 of 2012, I have permitted the Acquiring Body to deposit the amount of compensation in this Court since the consolidated cheque for the amount of compensation was drawn in the name of Registrar of this Court.

5. Considering the facts as aforesaid, I deem it appropriate to pass the following order.

ORDER

(i) The applications for condonation of delay stand rejected. Consequently, the appeals on stamp numbers also stand dismissed.

(ii) The amount of compensation as deposited by the Acquiring Body in this Court be transmitted to the District Court at Latur.

(iii) The amount of compensation has been deposited in L.A.R. Nos.40/2005, 44/2005, 45/2005, 46/2005, 47/2005,

48/2005, 49/2005. District Court, Latur shall issue notices to the respective claimants in the respective land acquisition references informing them about the deposit of the amount of compensation by the Acquiring Body and to collect the amount of their respective shares by following usual process of law.

(**PR. BORA, J.**)

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