

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

**45 CIVIL APPLICATION NO. 5266 OF 2018
IN FAST/7008/2018 WITH CA/5268/2018 IN
FAST/8362/2018 WITH CA/5270/2018 IN FAST/8365/2018
WITH CA/5272/2018 IN FAST/8359/2018 WITH
CA/5274/2018 IN FAST/7192/2018 WITH CA/5280/2018 IN
FAST/6999/2018 WITH CA/5283/2018 IN FAST/6914/2018
WITH CA/5285/2018 IN FAST/7002/2018 WITH
CA/5292/2018 IN FAST/8371/2018**

THE G.M.I.D.C., THR THE EX. DIRECTOR AND THE EX.
ENGINEER, M.I.D., OSMANABAD

VERSUS

RAMESH VITHALRAO PATIL AND ORS

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Advocate for Applicants : Mr. Chawre Anand

AGP for Respondents/State : Ms. S.S. Raut

Advocate for Respondent Nos. 4 to 7 in

CA/5280/2018: Mr. V.V Ingle

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CORAM : P.R. BORA, J.

DATED : 18th SEPTEMBER, 2018.

PER COURT:-

1. Heard Shri Chawre, the learned counsel appearing for the applicants.

2. In all these matters, though the respondents i.e. original claimants are duly served no one has entered appearance. Only in Civil Application No.5280 of 2018, Advocate Shri Ingle has entered his appearance.

3. The delay ranging in the period between

1405 to 1522 has occurred in filing these appeals by the acquiring body. The learned counsel submitted that the appellant-applicant being a State Government undertaking, certain procedure has to be followed and in making all these compliances the delay has been caused. The learned counsel further submitted that the availability of funds for paying Court Fees was another big hurdle in filing the appeals by appellant-applicant. The learned counsel submitted that the delay is unintentional and for a bonafide reasons. The learned counsel submitted that in all these matters, the learned Reference Court has increased the amount of compensation arbitrarily many times than awarded by the SLAO.

4. In the circumstances, it was the contention of the learned counsel for the acquiring body that the acquiring body need to be given an opportunity to prosecute its appeal on merits.

5. Shri Ingle, the learned counsel appearing for the claimants in one matter has opposed for condoning the delay stating that the reasons that are assigned by the acquiring body are

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insufficient. The learned counsel also submitted that the compensation enhanced in his matter cannot be said to be arbitrarily enhanced or exorbitant.

6. I have given due consideration to the submissions made by the learned counsel for the respective parties. Though the delay appears to be of a huge period, the reasons which are assigned cannot be outrightly rejected. It further cannot be ignored that ultimately, public money is involved in all these matters. Apparently it appears that the Reference Court has enhanced the amount of compensation more than six or seven times in many matters. The entire evidence, therefore, will have to be re-scrutinized.

7. In the circumstances and more particularly taking into account the public interest and involvement of public money, I am inclined to allow these applications. Hence, the following order:

ORDER

- i) Civil Applications are allowed.
- ii) The delay caused in filing the appeals is condoned. The appeal be registered in

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accordance with law.

- iii) After registration of the appeals, issue notice to the respondents, returnable on 30.10.2018. The learned AGP Smt. Raut waives notice for respondent nos. 2 and 3 in all these appeals. The acquiring body shall serve the claimants.
- iv) Advocate Shri Ingle waives notice for respondent no.4 to 7 in Civil Application No.5280 of 2018. Service stands completed, however, the same shall also be kept alongwith the group matters.
- v) All Civil Applications stand disposed of.

(P.R. BORA, J.)

Mujaheed//