

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO.7145 OF 2018
IN
FAST/12060/2018
WITH
CA/7147/2018 IN FAST/12451/2018

THE EX. ENGINEER, MINOR IRRIGATION DIV. THR MOHAN
B KADE SUB DIV. ENGINEER, OSMAN
VERSUS
VIKRAM RAJARAM GHOGRE

...

Advocate for Applicant : Mr. Arora Shyam C;
Mr. VV Tarde, Adv.for Respondent.

CORAM : P.R.BORA, J.

DATE : 4th September, 2018.

PER COURT :

1. In these matters, Advocate Shri V.V.Tarde has instructions to appear for original claimants.

2. Delay of 1114 days has occurred in filing these appeals by the acquiring body.

3. Shri Arora, learned counsel appearing for the acquiring body submitted that the acquiring body being Government Undertaking, sanctions are to be required from the higher authorities and State officials. The learned

counsel submitted that in procuring the sanctions at different levels and thereafter in getting available the adequate finance so as to pay the amount of court fees, time was consumed and those are the reasons that the acquiring body could not file the appeals within the period of limitation. The learned counsel further submitted that substantial grounds are raised in exception to the Awards impugned in the present appeals. The learned counsel submitted that in all these matters while the Special Land Acquisition Officer had offered the compensation @ Rs. 500/- per Are, the Reference Court has enhanced the amount of compensation to the tune of Rs. 6,500/- per Are. The learned Counsel submitted that the hike given by the Reference court, according to the acquiring body, is arbitrary. The learned counsel submitted that public money is involved and in such circumstances, an opportunity needs to be given to the acquiring body to prosecute its appeals on merits.

4. Shri Tarde, learned counsel appearing

for the original claimants, has opposed for condoning the delay stating that the reasons, as are assigned, are the usual reasons and on such grounds/reasons, the inordinate delay around three years, cannot be condoned. The learned counsel further submitted that the acquiring body has not yet deposited a single pais towards the enhanced compensation. The learned counsel, therefore, prayed for rejecting the applications.

5. After having considered the submissions made by the learned counsel appearing for the parties, it appears to me that the acquiring body has some justification in asking for condoning the delay. The reasons, as are assigned by the acquiring body in justification of the delay, cannot be outrightly rejected. It further appears to me that since the Reference Court has enhanced the amount of compensation many times, i.e. From Rs.500/- to Rs.6,500/-, the entire evidence may be required to be scrutinized. In view of the fact that public money is involved, I am inclined to allow the applications for

condonation of delay. Hence, the following order.

ORDER

i. The delay caused in filing the appeals is condoned. The Civil Applications for condonation of delay are disposed of.

ii. The appeals be registered in accordance with law. On registration of the appeals, issue notices to the respondents. Advocate Shri Tarde waives service for the respondents, i.e. Original claimants. Service complete.

iii. List all the appeals for further consideration after six weeks.

(P.R.BORA)
JUDGE

bdv/