

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

**964 CIVIL APPLICATION NO. 2758 OF 2018
IN FAST/23827/2014**

**HAJARI DALPAT VANJARI
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER UPPER
TAPI PROJECT HATNUR-2 JALGAON AND ANOT**

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**Advocate for Applicant : Mr. A.B. Kale
AGP for Respondent/State : Ms. S.S. Raut**

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**CORAM : P.R. BORA, J.
DATED : 21st SEPTEMBER, 2018.**

PER COURT:-

. Heard Shri A.B. Kale, the learned counsel appearing for the applicant and Smt. S.S. Raut, the learned AGP appearing for the respondent-State.

2. Though the acquiring body is duly served, no one has entered appearance on its behalf. The learned counsel for the applicant submitted that financial difficulties and lack of awareness are the two reasons for which the present applicant could not file the appeal within the period of limitation. The learned counsel submitted that the applicant is ready to give up the statutory benefits as well as the interest for the period of delay in the event of success in the appeal and the

amount of compensation is enhanced on the said enhanced amount of compensation.

3. The learned AGP has opposed for condoning the delay stating that the reasons that are assigned are insufficient to condone the delay of more than four years.

4. I have duly considered the submissions so advanced. In similar matters for the similar project, this Court has condoned the delay in view of the fact that the claimants therein had given up the right of statutory benefits and interest for the period of delay. The same course needs to be adopted in the present matter also. I am, therefore, inclined to allow the present application. Hence, the following order:

ORDER

- i) The delay of 1524 days caused in filing the appeal is condoned. The appeal be registered in accordance with law.
- ii) It is clarified that in the event of success in the appeal, the appellant will not be entitled for the statutory benefits or interest for the period of

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delay on the enhanced amount of compensation.

iii) The appellant shall submit the undertaking in that regard within four weeks from today. The copy of the said undertaking as well as the copy of the present order be kept alongwith the papers of the appeal.

iv) The Civil Application stands disposed of.

v) On registration of the appeal, issue notice to the respondents, returnable on 05.10.2018. Smt. S.S. Raut, the learned AGP waives notice for respondent no.1.

vi) List the appeal for further consideration on 05.10.2018.

(P.R. BORA, J.)

Mujaheed//