

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.43/2018
IN
CROSS OBJECTION (ST) NO.35650/2015
IN
FIRST APPEAL NO.297/2014

Mr. Jamshed Jehangir Bhaba	... Applicant
State of Maharashtra	... Appellant
V/s.	
Mr. Jamshed Jehangir Bhaba	... Respondent

WITH
CIVIL APPLICATION NO.44/2018
IN
CROSS OBJECTION (ST) NO.35648/2015

Sir Ratan Tata Trust	... Applicant
State of Maharashtra	... Appellant
V/s.	
Sir Ratan Tata Trust	... Respondent

WITH
CIVIL APPLICATION NO.45/2018
IN
CROSS OBJECTION (ST) NO.35647/2015

Sir Ratan Tata Trust	... Applicant
State of Maharashtra	... Appellant
V/s.	
Sir Ratan Tata Trust	... Respondent

Mr. Chandram with Ms. Vijaya Bhat i/b. M/s. Mulla & Mulla & CBC for
the Applicant
Mr. A. R. Patil, AGP for the Stated

**CORAM: K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATED : FEBRUARY 22, 2018

P.C. :

1. Heard the learned counsel for the parties. These Civil Applications are made by the original claimant for condonation of delay in filing the cross objections.

2. The learned counsel for the Applicant submits that in the present proceedings, the Special Land Acquisition Officer, by Notification u/s.4 of the Land Acquisition Act, 1894 acquired their land from village Pange, Tq. Uran, Dist. Raigad for New Bombay Project. Thereafter the Reference Court has passed a common judgment and award dated 02.09.2013 awarding enhanced compensation in respect of the acquired land @ Rs.500/- per sq.mtr. He submits that in Reference Applications, they claimed compensation @ Rs.2000/- per sq.mtr.

3. The learned counsel for the Applicant submits that in the month of February 2015 a Clerk from the Office of Government Pleader had tried to serve a copy of the First Appeal along with a letter on them which was addressed to the Managing Trustee of the Trust. He submits that the Managing Trustee Jamshed Jahangir Bhaba is no more. Hence, the representative of the Government Pleader has refused to serve the notice on the other Trustee of the Trust though he was requested to do so.

4. Thereafter, Advocate for the Applicant by letters dated 05.03.2015 and 10.06.2015 called upon the Office of the Government Pleader, Appellate Side, High Court Bombay to provide a copy of the First Appeal and also intimate the next date of hearing. He submits that thereafter they filed their vakalatnama on 08.06.2015. He submits that till today they have not received notice from the Registry of this court about the admission of the First Appeal. Hence, filing of the cross objections on 18.12.2015 is within limitation. He submits that in spite of that the office has raised objection that the cross objections are beyond the period of limitation. Hence, these Civil Applications.

5. The learned counsel for the Applicants submits that considering the reasons disclosed in the Civil Applications and as till today they have not received any notice of admission of the First Appeal from the Registry of this court, this Hon'ble Court be pleased to condone the delay in filing the cross objections. He submits that they have good chance of success in the cross objections. He submits that if Civil Applications are not allowed irreparable loss will be caused to the claimants, whose lands are acquired by the State Government.

6. On the other hand the learned AGP for the Appellant vehemently opposed the Civil Applications. He submits that the Applicants have not shown sufficient cause for condonation of delay.

7. It is to be noted that in the present proceedings the Applicants have not received notice of admission of the First Appeal till today. On their own they filed their vakalatnama as soon as they learnt about the

First Appeal. Considering these facts and the reasons disclosed by the Applicants, we are of the opinion that the Applicants have made out a case for allowing the Civil Applications. At the same time it is made clear that even if the Applicants succeed in the cross objection, they shall not be entitled to additional component, interest etc. for the delayed period as per amended provisions of the Land Acquisition Act. Moreover, the Applicants have to pay cost of Rs.1500/- in each matter.

8. Hence, following order is passed:
 - a. Delay in filing the cross objections in all matters is condoned.
 - b. The Applicant to pay cost of Rs.1500/- in each Civil Application within four weeks from today.
 - c. Cost shall be paid to Kirtikar Law Library, High Court, Mumbai, and receipt thereof be submitted in the Registry of this court within stipulated time as stated hereinabove.
 - d. Civil applications stand disposed off accordingly.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)