

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.187 OF 2016

AND

FIRST APPEAL ST. NO. 21786 OF 2015.

(SUPDT. ENTINEER, TAPI KHORE VIKAS PATBANDHARE MAHAMANDAL & ANR....VS.. BHASKAR
 PRALHAD PATIL & OTH)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Ms Vaishali Jadhav-Patil, Advocate for Applicants/appellants.
 Shri R.P. Masurkar, Advocate for Respondent Nos.1 & 2/Cross Objectors.
 Ms Mrunal Naik, A.G.P. for Respondent No.3 & 4.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 28, 2018.

CIVIL APPLN.NO.187/2016.

Accepting the explanation given in the
 application, delay of 27 days in filing the appeal is condoned.

The civil application is **allowed** accordingly. No
 costs.

FIRST APPEAL ST.NO. 21786/2015.

Taken up for hearing on admission.

ADMIT.

Shri R.P.Masurkar, advocate waives notice for the
 respondent Nos.1 and 2 and Ms Mrunal Naik, A.G.P. waives
 notice for the respondent Nos. 3 and 4.

Call R & P.

The learned advocate for the appellant states that the private paper book is filed in connected matters and prays that filing of the private paper book be dispensed with.

The submission is accepted and filing of the private paper book is dispensed with.

Shri A.S.More, Superintending Engineer, Jalgaon Project and Shri S.F. Gavit, Executive Engineer, Minor Irrigation Division, Jalgaon, identified by the advocate for the appellant, are present.

Pursis dated 27th September 2018, under the signature of advocate for the appellant, is placed on record giving details of the amount deposited before the reference Court as per the award passed. As per the details given in the pursis, the amount is deposited before the reference Court by cheque dated 7th August 2016, 9th July 2016 and 6th June 2017. This appeal is filed on 29th October 2015. There is no explanation why the amount was not deposited before this Court and even if according to the appellants, it was convenient for them to deposit the amount before the reference Court, it goes unexplained why they have not moved appropriate application before this Court opposing withdrawal of the amount. The manner in which the proceedings are conducted creates a doubt that the officers of the Corporation are hand in glove with the claimants. These observations are required to be made as the amount with which the officers of the Corporation (appellant) are dealing with is public money.

The Executive Director of Tapi Khore Patbandhare Vikas Mahamandal, Jalgaon shall cause enquiry in the matter and place on record of this appeal the action taken report, along with affidavit, within eight weeks from today.

JUDGE

RRaut.