

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.308 OF 2016
IN
FIRST APPEAL (ST) NO. 3577 OF 2015

The Administrator City and Industrial
Development Corporation of Maharashtra Ltd. .. Applicant
Versus
Shri. Sadashiv Baburao Sonawane and Ors. .. Respondents

Mr. A.M. Kulkarni for applicant.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned Counsel for applicant.
2. By this civil application, applicant is seeking stay of the operation and implementation of the judgment and award dated 09.05.2013 passed by 3rd Joint Civil Judge, Senior Division, in Land Acquisition Reference No. 12 of 2007.
3. The learned Counsel for the applicant submits that after following due process of law Special Land Acquisition Officer passed award and awarded compensation in respect of acquired land at the rate of 7 per sq. mtr. He submits that being aggrieved by the said award, respondent/original claimant preferred reference under Section 28 (A) 3 of the Land Acquisition Act. In that reference, the reference Court awarded compensation at the rate of Rs.55 per sq. mtr. Hence, they preferred present First

Appeal. He submits that they have good chance of success in the present matter. He submits that at the time of awarding enhanced compensation, reference Court has not considered the sale instances on record.

4. Considering the submissions made by learned Counsel for the applicant, averments made in civil application, I am satisfied that the applicant has made out case for allowing this Civil Application. But at the same time applicant have to deposit the entire awarded amount before the reference Court within stipulated time, Hence, following order :-

a) Operation and implementation of impugned judgment and award dated 09.05.2003 passed by 3rd Joint Civil Judge, Senior Division, Nashik in Land Acquisition Reference No. 12 of 2007 is stayed on condition that applicant to deposit entire awarded amount along with interest and cost, if any, in reference Court on or before 07.06.2019, failing which Civil Application shall stand dismissed without reference to the Court.

b) If amount is deposited within stipulated time as stated above, the reference Court is directed to invest the said amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be continued till further orders.

c) Liberty granted to the respondents/ original claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be

decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K. K. TATED, J.)