

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

FIRST APPEAL NO.1647/2019

V.I.D.C. through Executive Engineer, Irrigation Division, Amravati
Vs.

Pandurang Mahadeo Gohatre and Ors.

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. H.D. Marathe, Advocate for appellant.

Mr. S.S. Shingane, Advocate for respondent Nos. 1.

Ms. H.N. Jaipurkar, AGP for respondent Nos. 2 and 3.

CORAM : NITIN W SAMBRE, J.

DATE : SEPTEMBER 27, 2019.

. Heard Shri Marathe, learned counsel for the appellant/acquiring body.

2. Learned counsel for the appellant submits that the enhancement granted is without any basis at an exorbitant rate. He has tried to justify his contentions based on the observations made in the judgment impugned.

3. Shri Shingane, learned counsel for the respondent No.1/land owner supported the Judgment of the Reference Court.

4. The claimant have examined himself at Ex.21 and one Nandkishore Sahebrao Bodkhe, Secretary of the A.P.M.C., Warud at Ex.31. Ex.22 is a certified copy of the award, Ex. 23 Joint measurement report, Ex.25 statement of valuation of trees, Ex.34 report of A.P.M.C. relied on so as to support the claim for enhancement compensation. Notification under Section

4 of the Act, in the case in hand was issued on 04.06.2004. The Reference Court granted Rs.4703/- per orange trees of 12 years of age. So as to demolish the case of respondent No.1 i.e. land owner for grant of enhanced compensation, the appellant i.e. acquiring body has not adduced any contrary evidence. As such, the Reference Court upon appropriate analysis of the documentary and oral evidence has awarded enhanced compensation.

5. On perusal of the reasons on the record in support of grant of enhancement, by no stretch of imagination, it can be inferred that enhancement granted is exorbitant. That being so, the appeal fails and dismissed.

6. The appellant i.e. acquiring body shall deposit balance amount of compensation with the Reference Court within the period of six weeks as is submitted.

7. Statement is accepted as an undertaking.

(NITIN W SAMBRE, J.)