

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

C.A.F. NO.1987/2019 IN FIRST APPEAL STAMP NO.22327/2018

Vidarbha Irrigation Development Corporation, through its Executive Engineer,
 Minor Irrigation Division, Wardha

..Vs..

Vinod S/o Sadashiv Borkar and others

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

Court's or Judge's orders

 Shri S.K. Bhoyar, Advocate for the appellant.
 Ms. A.R. Kulkarni, A.G.P. for respondent Nos.2 and 3.

CORAM : NITIN W. SAMBRE, J.
DATED : 16.9.2019

1] Delay of 621 days in preferring the present appeal by the Acquiring Body is not at all explained. No *bona fide* cause is narrated in support of the claim for condonation of delay by the Acquiring Body. The civil application is **rejected**. No costs.

2] Exhibit Nos.25 and 26 are the sale deeds of land Survey Nos.512 and 511. These exhibits were relied upon for granting enhanced compensation for land Survey Nos.45, 24/2 and 40. The facility of irrigation is also taken into account for the purpose of amount of enhanced compensation for the aforesaid land.

3] The land in question is acquired for the very said purpose for which the aforesaid survey numbers were acquired. The Reference Court then proceeded to examine the location of land under acquisition vide impugned judgment and also that of land Survey

No.24/2 for which the enhanced compensation is awarded and based on documentary and oral evidence, has proceeded to award the similar compensation.

4] Though the learned Counsel for the appellant has tried to urge that the land acquired by virtue of impugned judgment and that of Survey No.24/2 has no proximity, however, the Acquiring Body has failed to discharge its onus. That being so, no case for interference is made out. The appeal fails. It is **dismissed** accordingly. The appellant shall deposit the entire amount within three months from today.

JUDGE

Tambaskar.