

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

CIVIL APPLICATION (CAF) NO.2818 OF 2018

IN

FIRST APPEAL STAMP NO. 27265 OF 2017

(V.I.D.C. THR. EXECUTIVE ENGINEER, MINOR IRRIGATION DN., WARDHA...VS.. SHRIDHAR
 GEMRAO URKUDKAR & OTH.)

 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 Applicant/Appellant.
 Shri A.D.Sonak, A.G.P. for Respondent Nos. 2 & 3.

CORAM : Z.A.HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : OCTOBER 01, 2019.

Appellant-Vidarbha Irrigation Development Corporation (a statutory body) has filed an appeal to challenge the judgment passed by the Reference Court under Section 18 of the Land Acquisition Act 1894 holding that the owner of the land is entitled for enhanced compensation. There is delay of 357 days in filing the appeal, hence, this application, praying for condonation of delay in filing the appeal, is filed.

We have gone through the civil application. There is no explanation whatsoever for the inordinate delay. The delay is explained in paragraph No.6 of the application, which reads as follows:

“6. The impugned judgment came to be passed on 16/09/2016. The appellant has applied for the certified copy of the same on 1.10.2016. The certified copy for delivery was ready on 6.10.2016 and it was delivered on

7.10.2016. Thereafter, the appellant had sought the opinion from the counsel who has defended the appellant before Reference Court in respect of the impugned judgment. Thereafter the said opinion was forwarded to the Head Office of the appellant for taking further steps in the matter. Thereafter, the matter was considered by the Executive Engineer of the Department and it was referred for further legal opinion of the Standing Counsel of the department. The Standing Counsel of the Department had opined and advised to file the appeal before this Hon'ble Court. As the appellant is a statutory body and its officials were busy in execution and supervision of various Irrigation Projects under its division and therefore the decision with respect to preferring the appeal could not be work out at early stage. Being the statutory body it has hierarchy structure to take administrative decision in order to file the instant appeal and in complying with the said administrative procedure the delay is caused in filing the instant appeal."

The delay cannot be condoned on the basis of the vague and general explanation. Hence, we see no reason to condone the delay.

The Civil Application is **dismissed**, consequently the appeal is rejected.

As it happens, the amount of compensation awarded by the reference Court which is determined as Rs.26,11,912/- along with statutory benefits is neither paid to the claimant nor is deposited in the Court. The amount awarded by the Reference Court carries Special Component as per Section 23(1-A) of the Land Acquisition Act, 1894 and interest for the first year @ 9% per annum and for subsequent period @ 15% per annum. In some cases, it is noticed that

perhaps the delay in depositing the amount is in connivance with the claimant, so that the claimant gets interest @ 15% per annum, which amount goes from public exchequer.

If the amount, as awarded by the Reference Court, is not deposited till 30th November 2019, the Executive Director of the appellant Corporation shall cause an enquiry in the matter and recover the amount of interest, which liability is unnecessarily on the appellant-Corporation, from the erring officers/officials.

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