

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.9529 OF 2019  
IN FIRST APPEAL [STAMP] NO.15714 OF 2019

THE GODAVARI MARATHWADA IRRIGATION  
DEVELOPMENT CORPORATION, OSMANABAD & ANOTHER  
VERSUS  
DILIP NIVRUTTI DHOLE & OTHERS

**WITH**

CIVIL APPLICATION NO.9531 OF 2019  
IN FIRST APPEAL [STAMP] NO.15554 OF 2019

THE GODAVARI MARATHWADA IRRIGATION  
DEVELOPMENT CORPORATION, OSMANABAD & ANOTHER  
VERSUS  
VIKAS SOPAN DHOLE

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Mr.V.B.Dhage, Advocate h/f. Mr.R.B.Gaikwad,  
Advocate for the applicants – appellants.  
Mr.P.M.Kulkarni, AGP for the State.  
Mr.V.V.Ingale, Advocate for the respondent  
nos.1, 3 and 4.

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**CORAM : V.L.ACHLIYA,J.  
DATE : 15.12.2020**

**P.C.**

1] The applicants-appellants have moved these applications seeking condonation of 2409 days delay in filing appeals for the reasons set out in detail in the applications.

2] Heard learned counsel for the applicants – appellants and advocate representing the respondents – claimants.

3] In brief, it is the contention of the learned counsel for the applicants–appellants that after the judgment and order dated 29.06.2012 passed by the Reference Court, the application for certified copy was made. Thereafter, the proposal was forwarded to the Divisional Office. After securing legal opinion, the Divisional Office decided to file Appeals. On receipt of the communication to file appeals, the officials of the applicants–appellants approached to the panel advocate on 18.01.2019. Thereafter, panel advocate has informed the applicants – appellants to arrange for the court fees. Thereafter, the applicants – appellants forwarded proposal for grant of court fees. The court fees were received on 20.03.2019. After receipt of the courts fees, the appeals have been presented along with the applications seeking delay condonation on 29.04.2019. It is submitted that the delay was caused primarily in securing the permission from the higher authorities to

file appeals. It is submitted that the applicants – appellants have good case to succeed in appeals. The SLAO has awarded compensation @ Rs.180/- per Are which has been enhanced to Rs.1000/- per Are by the Reference Court.

4] On the other hand, learned counsel for the respondents – claimants opposed the application and submits that there is no sufficient cause to condone delay. It is submitted that the land admeasuring 7 Are and 25 Are owned by the respondents – claimants respectively was acquired way back in the year 1991. Since then the respondents – claimants are waiting for receipt of the compensation. It is submitted that the reasons assigned cannot be treated as sufficient cause to condone delay.

5] I have carefully considered the submissions advanced in the light of overall facts of the case, I am of the view that cause assigned for condonation of delay cannot be treated as sufficient cause to condone delay of 2409 days in filing appeals. It is pertinent to note that the award was passed on 29.06.2012. As per the say of the

applicants–appellants, the panel advocate immediately informed the applicants as to judgment and order passed by the Reference Court. As per the own averments of the applicants – appellants period of 7 years has been spent in seeking approval for filing appeal against the impugned judgment and order. The cause assigned for condonation of delay not only satisfactory but also reflects the reasons put forth are false and concocted. It appears that officials of the State Government and Corporation are acting under the perception that there is no limitation provided for filing appeal for them. The administrative delay itself not good cause to condone delay. The fact of the case reflect the gross negligence on the part of the applicants–appellants. In the case of ***State of Madhya Pradesh and others Vs. Bherulal*** reported in ***2020 SCC OnLine SC 849***, while dealing with the application seeking condonation of delay the Apex Court has observed that the Government cannot be permitted to walk in, when they choose, ignoring the period of limitation prescribed. If the Government machinery is so inefficient and incapable of filing appeals / petitions in time, the solution may lie in requesting

the legislature to expand the time-period for filing limitation for Government authorities because of their gross incompetence. It is further observed that till the statute subsists, the appeals / petitions must be filed as per the limitation provided in the statute.

6] The case in hand exposes plight of the litigants whose lands are acquired for public project. In the instant case land admeasuring 7 Are and 25 R. respectively belonging to the respondents-claimants was acquired way back in the year 1991. The Special Land Acquisition Officer has awarded meager amount @ Rs.180/- per Are [i.e. Rs.7200/- per acre]. The Reference Court has enhanced the compensation to Rs.1000/- per Are [i.e. Rs.40,000/- per acre]. The appeals in respect of compensation enhanced by the Reference Court has been carried to this Court in Appeals with application seeking condonation of 2409 days delay. The respondents-claimants may have incurred expenses more than what the compensation to be payable in terms of acquisition. In that view, the case of prejudice also not lies in favour of the applicants-appellants. In view

of the above, I am not inclined to condone the delay. Accordingly, the applications seeking condonation of delay are rejected. In view of rejection of the applications seeking condonation of delay, appeals filed along with application for stay stands disposed of as dismissed.

7] Rejection of the applications seeking condonation of delay shall not be construed as confirmation of the award passed by the Reference Court to provide calls for filing application u/s. 21-A of the Land Acquisition Act. In view of disposal of the Appeals, all Civil Applications stand disposed of in terms of order and same do not survives and accordingly disposed of.

**[V.L.ACHLIYA]**  
**JUDGE**

DDC