

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6961 OF 2020 IN  
FIRST APPEAL ST. NO. 15295 OF 2020

The Executive Engineer

Applicant

Versus

Sanjay Rajaram Patil & others

Respondents

Mr. S.G. Bhalerao, Advocate for the applicant.

Mr. P.M. Kulkarni, AGP respondent Nos. 2 and 3.

Mr. V.B. Patil, Advocate for respondent No. 1.

**CORAM : M. G. SEWLIKAR, J.**

**DATE : 26<sup>th</sup> October, 2020.**

**PER COURT :**

1. This application arises out of Nimbhora project. Applicant-acquiring body has preferred this application seeking condonation of delay of 1036 days occurred in preferring the first appeal.

2. Delay is committed for the reasons given in paragraph No. 2 of the application which is stated as procedural delay. Learned counsel for the applicant submits that applicant was not a party to the reference. After seeking legal opinion on getting knowledge of the

award, the appeal is preferred. For these reasons, there is delay in preferring the appeal.

3. Shri V.B. Patil, learned counsel for respondent No. 1 vehemently opposes the application for condonation of delay stating that this cannot be a cause for condonation of delay. He submits that if this Court comes to the conclusion that delay is to be condoned, in that case, the acquiring body shall be directed to deposit the entire amount at once.

4. For the reasons stated in the application, it is evident that the acquiring body was not a party to the reference in the reference Court. The applicant has made out sufficient cause for condonation of delay. Hence, the application is allowed.

5. Delay of 1036 days occurred in preferring the first appeal stands condoned. Civil application stands disposed of.

( M. G. SEWLIKAR )  
Judge