

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

4 WRIT PETITION NO. 6621 OF 2020

**RAMESH RAMNATH JEDGULE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS**

...

Advocate for Petitioners: Mr. Shermale K. N.

Advocate for Respondents No. 1 & 4:

Mr. A. B. Dhongade

Advocate for Respondent No. 2: Mr. D. S. Manorkar

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 16th OCTOBER, 2020

PER COURT:

1. Mr. Shermale, the learned Counsel submits that against the award passed under the National Highways Act, 1958 on account of the acquisition of the land of the petitioners, the petitioners have filed proceedings before the Arbitrator for enhancement of compensation.

2. The learned Counsel submits that because of pandemic due to COVID-19 it will not be possible for any of the petitioners to attend the Arbitrator's office as some of the petitioners are senior citizens. The learned Counsel submits that

the Arbitrator be directed to adjourn the proceedings for six months.

3. The Arbitrator, it appears is conducting the proceedings diligently. We appreciate the same. In fact, the petitioners ought to have cooperated in disposal of the proceedings.

4. However because of the apprehension shown by the petitioners and further bonafides shown by filing affidavit before this Court that from the date of filing of this petition the petitioners will not claim statutory benefits, if, enhancement of compensation is granted by Arbitrator for six months we have entertained the petition.

5. It should be noted that the Courts are functioning. The matters are heard. Even Schools and Colleges are likely to be opened in November-2020. It appears that the petitioners are over cautious, however, considering that the petitioners on their own accord want a longer time and that they would not be claiming any statutory benefits for the delayed period if the enhancement

is granted by the Arbitrator, we direct respondent no. 3 to defer the hearing of the proceedings filed by the petitioners till the end of February-2021. The petitioners shall appear before the Arbitrator on 02.03.2021. The petitioners shall place on record the copy of this order before the Arbitrator / respondent no. 3. The Arbitrator shall take a note of the fact that in case the Arbitrator enhances the compensation amount, the petitioners have voluntarily on their own volition waived the statutory benefits that would be available on the amount if enhanced by the Arbitrator.

6. The petitioners after filing the copy of this order with the Arbitrator shall on their own appear before him on 02.03.2021. No further notice would be required to be given to the petitioners. The Arbitrator, thereafter shall take the case as per his convenience.

7. With the aforesaid observations and directions, writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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