

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

CIVIL APPLICATION NO.8497 OF 2019
IN FAST/19702/2018

THE EX. ENGINEER, LIFT IRRIGATION DIVISION OSMANABAD AND
ANR
VERSUS
TARACHAND PANNALAL DUNGARWAL

...
Advocate for Applicant No.1 – Acquiring Body : Mr. Pratap G. Rodge
AGP for Applicant No.2 : Mr. Y. G. Gujrathi
Advocate for sole Respondent-claimant : Mr. S. B. Wakure

...
WITH CA/8499/2019 IN FAST/20808/2018
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CORAM : K.K. SONAWANE, J.

DATED : 06th JANUARY, 2020.

ORDER :-

Heard learned counsel for applicant No.1 - Acquiring Body and learned counsel for respondent-original claimant as well as learned AGP for applicant No.2-State of Maharashtra. Perused the applications and other relevant documents produced on record.

2. The applicant-Acquiring Body moved present applications for condonation of 1814 days' delay caused in filing the first appeals against impugned Judgment and Award passed by the learned Reference Court in LAR No. 111 of 2003 and LAR No. 691 of 2007, dated 13-03-2013, filed under section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicant, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The applicant is Body corporate having its independent entity. After procuring the funds for court fees, appeals came

to be filed, however, there is delay in filing the appeals. According to learned counsel for applicant, delay so caused is not intentional or deliberate, but, it was caused due to compliance of official process. Therefore, he prayed to condone the delay.

3. The learned AGP for applicant No.2-State submits for suitable order in the interest of justice.

4. The learned counsel for respondent-original claimant raised objections that the inordinate and huge delay caused for filing first appeals has not been properly explained by the applicant. He requested to reject the applications.

5. I have given anxious consideration to the submissions advanced on behalf of both the sides. Admittedly, matters pertain to the land acquisition proceedings involving public funds. The applicant- Acquiring Body is the Government Agency looking after the irrigation projects. In view of nature of the subject matter and reasons mentioned in the application, I find that reasonable opportunity is essential to be granted to applicant- Acquiring Body to ventilate it's grievance in the Appellate Forum for redressal. Therefore, delay caused for filing First Appeals is required to be condoned.

6. Accordingly, Civil Applications are allowed in terms of prayer clause (B). The delay of 1814 days' caused in filing First Appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process. The Civil Applications stands disposed of in above terms.

7. On registration of First Appeals, issue notice to the respondents-original claimants. Mr. S. B. Wakure, learned counsel waives service of notice for the respondents-claimants.
8. Call for record and proceedings from the concerned Reference Court.
9. Meanwhile, the applicant-Acquiring Body shall deposit decretal amount awarded by the learned Reference Court in LAR No. 111 of 2003 and LAR No. 691 of 2007 dated 13-03-2013, within a period of three weeks from today. In case, applicant-Acquiring Body fails to deposit the amount as directed above, the requisite order will be passed on next date.
10. List the First Appeals for further process on 03-02-2020.

[K. K. SONAWANE]
JUDGE

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