

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (S) NO.3681 OF 2020
IN
FIRST APPEAL (S) NO.5639 OF 2020

Municipal Corporation of Greater Mumbai]... Applicant/ Appellant
V/s.

M/s.Srinivas & Sons Co. P. Ltd. & Anr.] ... Respondents.

Mr.N.V. Walawalkar, Senior Advocate a/w Ms.Sheetal Mane Tadke, for
Applicant/Appellant.

Mr.Nishant Shashidharan i/b Purnanand & Co. for Respondent No.1.

CORAM : **K.K.TATED &**
N.R. BORKAR, JJ.

DATE : **5th NOVEMBER, 2020.**
(Through Video Conferencing)

P.C. :

1] Heard learned counsel for parties.

2] By this Interim Application, Applicant/Corporation is seeking stay to the operation and implementation of order dated 12th February, 2020 passed by the Land Acquisition Officer, Rehabilitation and Resettlement Authority, Nagpur in Case No.222/KOK/MUM(SU)/2018, by which Respondent No.1/Original claimants are held to be entitled to increased compensation of Rs.22,13,64,273/- with interest at the rate of Rs.9 % p.a. It is stated in the order that if the amount is not paid within one year, interest will have to be paid at the rate of 15% p.a.

3] Mr. Walawalkar, learned Senior counsel for Applicant/Corporation submits that they have good chance to succeed in the present First appeal. He submits that the Land Acquisition Officer awarded the compensation on higher side. He submits that this Hon'ble Court be pleased to stay the operation and implementation of order dated 12th February, 2020. He submits that if stay is not granted and if entire amount is recovered, nothing will survive in the First Appeal.

4] On the other hand, learned counsel on behalf of Respondent no.1 opposed the application. He submits that though the order was passed on 12th February, 2020, till today, the applicant/Corporation has failed and neglected to pay the said compensation. He submits that the Land Acquisition Officer has awarded the increased compensation after considering the evidence on record, therefore, there is no question of granting any stay.

5] We have heard both the sides. It is to be noted that in the present proceedings, the Land Acquisition Officer increased the compensation to the tune of Rs. 22,13,64,273/- . If the entire amount is recovered and if the Appellant succeeds in the First Appeal, then it will be difficult for them to recover the said amount. But in any case, Appellant/Corporation has to deposit entire amount in the Registry of

this Court. Considering this fact, following order is passed :

a] Operation and implementation of the impugned order dated 12th February, 2020 passed by the Sitting Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur in Case NO.222/KOK/MUM(SU)/2018, awarding increased compensation of Rs.22,13,64,273/- with interest, in favour of Respondent No.1, is stayed till hearing and final disposal of the First Appeal, on condition that the Appellant to deposit the entire awarded amount with interest in the Registry of this Court, on or before 6th February, 2021.

b] If amount is deposited in time, Registry is directed to invest the entire amount in fixed deposit of any nationalized bank for a period of one year and same to be continued till further orders.

c] If the said amount is not deposited within time, Respondent No.1 is entitled to execute the order dated 12th February, 2020, according to law.

d] If amount is deposited in time and intimated to the Advocate for Respondent No.1, Respondent no.1 is permitted to prefer appropriate application for withdrawal of the amount, which shall be decided on its own merits.

e] Interim Application stands disposed off accordingly.

f] No order as to costs.

g] This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on a digitally signed copy of this order.

[N.R.BORKAR, J]

[K.K.TATED, J]