

(1)

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

CIVIL APPLICATION NO.4433 OF 2021  
IN  
FIRST APPEAL NO.1193 OF 2021

THE TAPI IRRIGATION DEVELOPMENT OFFICER, THR  
THE EXECUTIVE ENGINEER, M.I.W., JALGAON AND ANR  
VERSUS  
PANDHARINATH JAGANNATH HADPE

...

AND

CA/4435/2021 IN FA/1201/2021

AND

CA/4446/2021 IN FA/1190/2021

AND

CA/4448/2021 IN FA/1195/2021

AND

CA/4453/2021 IN FA/1191/2021

AND

CA/4455/2021 IN FA/1196/2021

AND

CA/4431/2021 IN FA/1187/2021

AND

CA/4444/2021 IN FA/1189/2021

AND

CA/4450/2021 IN FA/1194/2021

AND

CA/4461/2021 IN FA/1198/2021

AND

CA/4457/2021 IN FA/1192/2021

AND

CA/4459/2021 IN FA/1188/2021

AND

CA/4440/2021 IN FA/1197/2021

AND

CA/4438/2021 IN FA/1199/2021

AND

CA/4442/2021 IN FA/1200/2021

...

(2)

Mr R. A. Tambe, Advocate for applicants;  
Mr S. R. Yadav-Lonikar, A.G.P. for applicant/State  
Mr A. B. Kale, Advocate for respondents

AND  
CIVIL APPLICATION NO.6314 OF 2021  
IN  
FIRST APPEAL NO.1191 OF 2021

DILIP BHURALAL SHARMA  
VERSUS  
THE TAPI IRRIGATION DEVELOPMENT OFFICER, THR  
THE EXECUTIVE ENGINEER, M.I.W., JALGAON AND ANR

....  
AND

CA/6321/2021 IN FA/1198/2021  
CA/6320/2021 IN FA/1197/2021  
CA/6324/2021 IN FA/1201/2021  
CA/6323/2021 IN FA/1200/2021  
CA/6311/2021 IN FA/1188/2021  
CA/6316/2021 IN FA/1193/2021  
CA/6317/2021 IN FA/1194/2021  
CA/6318/2021 IN FA/1195/2021  
CA/6313/2021 IN FA/1190/2021  
CA/6310/2021 IN FA/1187/2021  
CA/6312/2021 IN FA/1189/2021  
CA/6322/2021 IN FA/1199/2021  
CA/6319/2021 IN FA/1196/2021  
CA/6315/2021 IN FA/1192/2021

....

Mr A. B. Kale, Advocate for appellant/s;  
Mr R. A. Tambe, Advocate for respondent No.1;  
Mr S. R. Yadav-Lonikar, A.G.P. for respondent/State

**CORAM : RAVINDRA V. GHUGE**  
**AND**  
**S. G. MEHARE, JJ.**

**DATE : 20th September, 2021**

(3)

**PER COURT:**

1. In Civil Application No.4433/2021 and connected civil applications for stay, except Civil Application No.6314/2021 and connected civil applications filed by the claimants, seeking vacating of the ad interim order, we had granted conditional protection to the appellants vide our order dated 07/04/2021. The appellants were directed to deposit 60% of the amounts as awarded by the the Reference Court within 12 weeks.

2. On 26/08/2021, it was brought to our notice by Shri. Kale, learned Advocate representing the claimants that neither the appellants have complied with the directions of this Court, dated 07/04/2021 while enjoying conditional interim relief, nor had they sought liberty. A further contention was made that those claimants whose awards were delivered later in comparison to the claimants before the Court, were disbursed their compensation amounts. Shri. Kale had alleged unfairness and bias on the part of the appellants.

3. Even today, the amounts have not been deposited though the appellants were expected to do so by end of June 2021.

(4)

4. Today, the learned Advocate for the appellants submits that he has sought directions from the appellants. The amounts are admittedly not deposited. The appellants can not make a statement within how many days they would deposit the amounts in this Court.

5. He also submits that due to COVID-19, as the Administrative Committee had extended the interim order, the appellants contend that they did not file a formal application for extension.

6. We cannot appreciate this contention for the reason that this Court had imposed a condition of depositing the amounts for enjoying the relief. The learned Administrative Committee of this Court has not passed any order saying that such conditional orders should be ignored by the litigants and they should only enjoy the interim relief granted by this Court. This argument of the appellants is not only unethical, but an insult to the Court.

(5)

7. In view of the above, we find that the appellants have merely enjoyed the protection granted by this Court by ignoring the condition of depositing 60% of the awarded amounts. Had the appellants sought an extension of a week or two after expiry of 12 weeks, either oral or through an application, we could have considered it. Beyond 12 weeks, it is almost 12 more weeks that the amounts have not been deposited. We, therefore, cannot ignore the serious grievance voiced by the claimants.

8. In view of the above, the interim protection granted by this Court stands vacated. All the civil applications for stay stand rejected.

9. Consequentially, Civil Application No.6314/2021 and connected civil applications filed by the claimants are allowed.

10. The claimants are at liberty to proceed to seek the execution of the award.

**(S. G. MEHARE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk