

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO.8902 OF 2019  
IN FAST/22715/2018

THE G.M.I.D.C., THR THE EX. ENGINEER,  
MINOR IRRIGATION DIVISION, LATUR AND ANR

VERSUS

LATUR GORAKSHAN SANSTHA LATUR  
THR ITS SECRETARY

...

Advocate for Applicants : Mr Anil M. Gaikwad  
Advocate for Respondent: Mr A.B. Kadethankar h/f Mr Swapnil Rathi

**CORAM : SHRIKANT D. KULKARNI, J.**

**DATE : 27<sup>th</sup> OCTOBER, 2021**

**PER COURT :**

1. It is an application for stay moved by the applicants.
2. Heard Mr A.M. Gaikwad, learned counsel for the applicants and Mr Kadethankar holding for Mr Rathi for the respondent.
3. Perused the impugned judgment and award passed in LAR No. 659/2002. According to Mr Gaikwad, learned counsel for the applicants, the reference court has given compensation @ Rs. 11,797/- per R, which is 10 times of the market price determined by the S.L.A.O. He further submitted that the reference court has awarded interest under section 28 of the Land Acquisition Act, which is contrary to the decision of the Full Bench of this Court. He submitted that impugned judgment and award passed by the reference court is liable to be stayed till final decision of the appeal.

4. Mr Kadethankar, learned counsel for the respondent submitted that the impugned judgment and award passed by the reference court may be stayed subject to the deposit of 100% of the awarded amount.

5. Having regard to the points raised by Mr Gaikwad, learned counsel for the applicants, it is necessary to stay the impugned judgment and award passed by the reference court. At the same time, the rights and interest of the opposite side need to be protected by giving directions to the appellant to deposit at least 75% of the awarded amount by the reference court which would meet the ends of justice.

### **ORDER**

- (I) The application for stay is hereby allowed as under :
- (II) The impugned judgment and award passed in LAR No. 659/2002 by the learned Jt Civil Judge, Senior Division, Latur dated 30<sup>th</sup> March, 2016 is hereby stayed till final decision of the appeal on condition that the applicants/appellants shall deposit 75% of the awarded compensation by the reference court along with the interest accrued thereon, in this court within a period of 12 weeks from today.
- (III) In case of failure on the part of the applicants/appellants to comply this order, the stay granted by this court shall stand vacated without making back reference.
- (IV) Inform the reference court accordingly.

**[ SHRIKANT D. KULKARNI, J. ]**

mta