

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1152 OF 2021**

Krishna Kumar Sarwan Singh Thakur ... Petitioner

V/s.

Reliance Industries Ltd. And Ors. ... Respondents

Mr. R.D. Soni i/b. S. Shamim and Co. Advocate for the Petitioner.

Dr. Milind Sathe, Senior Counsel a/w Mr. Vaibhav Sukhadare a/w Mr. Ketan Dave i/b. M/s. A.S. Dayal & Associates, Advocate for the Respondents.

Mr. A.I. Patel, Addl. G.P. for the Respondent – State.

**CORAM : SMT. SADHANA S. JADHAV &
SURENDRA P. TAVADE, JJ.**

DATED : 9th JULY 2021.

P.C. : Through Video Conferencing

1. Rule. Rule made returnable forthwith with the consent of the parties. Heard the learned counsel Mr. Soni for the petitioner and the learned senior counsel Mr. Milind Sathe appearing for the Respondent Nos.1 to 3.

2. In the present case, the petitioner states that he is the owner of the land bearing C.T.S. No.44/1, 40/4 and 42 situated at Deulwadi and Wanjale, Taluka Karjat. It is submitted that the

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respondents have taken this land for laying down the pipeline for transportation of petroleum product through specialized corridor with safety requirements under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 and that they are entitled to compensation. According to the learned senior counsel Mr. Sathe appearing for the respondents, laying down of pipeline network in C.T.S. No.44/1 is completed and the petitioner is entitled to an amount of Rs.59,76,002/- which was determined as compensation to obtain the 'right of user'. According to the learned counsel for the petitioner, the price was determined by the Competent Authority way back in 2018 and the amount of compensation is not yet paid.

3. The learned senior counsel appearing for the respondents submits that at present, there is no Competent Authority available with whom the amount could be deposited however, the Respondent No.3 has agreed to pay the amount to the petitioner within two weeks from today. At this juncture, the learned counsel Mr. Soni submits that as contemplated under section 11 of the said Act, if the amount of compensation is not deposited within the time prescribed under sub-section (1), the Central Government, State Government or the Corporation as the case may be, shall be liable to pay interest thereon

@ 6% per annum from the date on which the compensation had to be deposited till the date of actual deposit. The learned senior counsel Mr. Milind Sathe, on instructions, submits that in that case, the petitioner would be at liberty to claim interest or any other amount due before the Competent Authority.

4. It is also submitted by the learned senior counsel Mr. Sathe that as far as C.T.S. No.40/4 is concerned, the Respondent No.1 has prayed for de-notification of the said land. As far as C.T.S. No.42 is concerned, it is submitted that the land has not yet been acquired for the purpose of laying down the pipeline and no work has commenced till today and it would be necessary to conduct a survey in respect of C.T.S. No.42. At this juncture, it is stated by Mr. Soni that the respondents shall seek a joint measurement/ survey of C.T.S. No.40/4 as well as C.T.S. No.42 as well. The learned senior counsel Mr. Sathe submits that the said joint survey can be worked out in due course.

5. It is also submitted by the learned senior counsel Mr. Sathe that as per the letter dated 30th June 2021 the State Government has requested the Union of India to appoint the Competent Authority and the said prayer of the State Government is pending before the Union of

India. It is true that a request is made by the State Government however, we, on our behalf would request the Union of India to make an endeavour to appoint the Competent Authority at the earliest.

6. The respective counsel agree to make an application for a joint survey of C.T.S. No.40/4 and C.T.S. No.42 within 4 weeks from today. The Deputy Superintendent of Land Records to conduct the joint survey as per the convenience of both the parties within not less than 8 weeks from the date of application. All contentions of both the parties are kept open. The petitioner is at liberty to approach the Competent Authority as and when it is appointed for due claims, if any, including the interest accrued on the amount of Rs.59,76,002/-. With these directions and observations, the petition stands disposed of. Rule is accordingly discharged.

(SURENDRA P. TAVADE, J)

(SMT. SADHANA S. JADHAV, J)