

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAF) No.974/2021
IN
First Appeal Stamp No.1549/2021

VI.D.C. thr. Executive Engineer, Canal Division, Amravati & Anr. **Vs.** Sau. Vaishali Tapare & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M.A Kadu, Advocate for the Applicants/Appellants.
Ms. H.N. Jaipurkar, AGP for Respondent Nos.2 and 3.

CORAM : S.M. MODAK, J.
DATE : 5th MAY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard Shri M.A. Kadu, learned Advocate for the appellants.

3. There are two office objections, one is about non payment of court fees and second is about limitation.

4. As per Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'), an appeal has to be preferred within a period of 60 days from the date of award. Writ Petition No.4043 of 2019 is pending before the Aurangabad Bench. The claimants were exempted subject to outcome of that petition by the Reference Court as per the order dated 16.09.2020. In view of that, the applicants are also exempted at this stage, from paying of court fees and it will be subject to the decision of that writ petition.

5. Civil application (CAF) No.974/2021 stands disposed of.

Pursis (St) No.01/2021

1. Award was pronounced on 16.09.2020. As per Section 60(5) of the Act of 2013, it is the duty of the authority to deliver copies of the award within a period of 15 days from the date of award. As per that award, 11 references were decided.

2. However, five of the claimants have asked for modification of the award. They were modified on 10.11.2020 and then copies were sent. However, while sending the copies, date of the covering letter is 20.10.2020 and they were received by the office of the appellant on 17.12.2020. From that date, appeal is in time.

3. Hence, both office objections are overruled.

First Appeal (St.) No.1549/2021

1. Issue notice to the respondents, returnable after 12 weeks, subject to removal of other objections within a period of 2 weeks.

2. Ms. H.N. Jaipurkar, learned AGP waives service of notice on behalf of respondent Nos.2 and 3/State.

3. Stays is granted, subject to deposit of the decretal amount in this Court within a period of 12 weeks.

4. Prayer is granted as per the relief sought in the Prayer Clause-c.

JUDGE