

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

CIVIL APPLICATION (F) NO.1332/20 IN FIRST APPEAL NO.385/2020

Exe.Engr. Amravati Project Costruction Division No.1 and anr.

Vs.

Smt. Asha w/o Arvindkumar and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. Anjali Joshi, Advocate for applicants/appellants.

Shri A.S.Agrawal, Advocate for non-applicant no.1/respondent no.1.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP JJ.

DATED :- JULY 16, 2021.

By this civil application, the applicants pray that the non-applicant no.1-claimant be directed to deposit the court fees which it is liable to pay in proceedings under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 (for short, the Act of 2013). It is stated in the application that the claimant failed to deposit the court fees before the Authority and hence such directions be issued.

Reply has been filed on behalf of the claimant in which it has been stated that the question as to whether the court fees are payable in reference proceedings under Section 64 of the Act of 2013 is pending adjudication. Reference is also made to the judgment of the Hon'ble Supreme Court in *Kashi Ram namdeo Vs. State of Maharashtra 1996 (1) Mh.L.J.652* to submit that the claimant is not liable to deposit the court fees.

We find that the question as to whether the court fees are payable in a reference application under Section 64 of the Act of 2013 is pending adjudication. Before the Reference Court the claimant had moved an application seeking permission to deposit maximum court

fees of Rs.Three lakh. In that view of the matter for the present, the claimant shall deposit an amount of Rs. One lakh fifty thousand towards court fees in this Court within a period of four weeks. Similarly the claimant shall file an undertaking stating therein that if it is held that the court fees are payable by the claimant in the reference proceedings under Section 64 of the Act of 2013, the balance amount of court fees would be deposited. The undertaking be also filed within a period of four weeks.

The civil application is disposed of in aforesaid terms.

FIRST APPEAL NO.385/2020

At the request of learned counsel for the appellants put up on 17th August, 2021.

JUDGE

JUDGE

Andurkar..