

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

FIRST APPEAL NO. 1114 OF 2016

(The Executive Engineer, Bembla Project, Yavatmal Vs. Govinda Arjun Meshram (Dead)
thr. L.R's and ors.)

WITH

CROSS-OBJECTION NO. 56 OF 2021

(Govinda Arjun Meshram (Dead) thr. L.R's and ors. Vs. Executive Engineer, Bembla
Project, Yavatmal and ors.)

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

Court's or Judge's Order

Shri Nikhil Waghmare, Advocate h/f Shri P.B. Patil, Advocate
for the appellant.

Shri S.V. Ingole, Advocate for respondent No.1.

Shri A.M. Kadukar, A.G.P. for respondent Nos.2 & 3/State.

CORAM:- PUSHPA V. GANEDIWALA, J.

DATED :- AUGUST 23, 2021

Heard

2. It is pointed out by the learned counsel for both the parties that the issue involved in this appeal is already covered by the Judgment of this Court in First Appeal No.1624/2019, First Appeal No.424/2019 and First Appeal (St.) No. 189/2018 with Cross-objection No. 119/2018.

3. It is stated that this Court has reduced the enhanced compensation for open plot at the rate of Rs.750/- per sq.mtr. whereas maintained the compensation awarded for construction.

4. In the instant appeal, the learned Reference Court has enhanced compensation at the rate of Rs.700/- per sq.mtr. It is not disputed that the land in the present

appeal is similarly situated with the land in the above referred appeals. In the aforesaid appeals, this Court has fixed the rate of compensation for the open plot at the rate of Rs.750/- per sq.mtr. whereas maintained the compensation awarded for construction i.e. Rs.1400/- per sq.mtr.

5. This Court do not find any reason to take a different view in the matter. In this view of the matter, the first appeal is dismissed and the cross-objection is partly allowed.

(i) The judgment of the Reference Court in L.A.C. No.154 of 2010 dated 23/02/2015 is partly modified.

(ii) The appellant-VI.D.C. to deposit enhanced amount of compensation at the rate of Rs.750/- per sq.mtr. for open plot and Rs.1400/- per sq.mtr. for the constructed area.

(iii) The appellant – VI.D.C. shall be entitled to deduct the amount deposited earlier. Thereafter respondent Nos.1(b) to 1(g) are permitted to withdraw the balance amount of compensation along with accrued interest thereon, in equal proportion.

(iv) Other directions in the award are confirmed.

6. The First Appeal is dismissed and the cross-objection is partly allowed in the aforesaid terms with no order as to costs.

JUDGE