

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

Civil Application (CAF) No.09 of 2021
IN
First Appeal Stamp No.27686 of 2017

Maharashtra State Industrial Development Corporation, thr. Its Manager, Amravati **Vs.** State of
 Maharashtra, thr. Its Collector & Ors.

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

Court's or Judge's Orders

 Shri Thotange, Advocate h/f Shri A.C. Jaltare, Advocate for the Appellant.
 Ms. Shamshi Haider, AGP for Respondent Nos.1 and 2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 29th JANUARY, 2021.

The applicant has sought to condone the delay of 366 days in filing the appeal against the judgment and award dated 20/09/2016 passed by the Reference Court in L.A.C. No.95/2012.

In view of the reasons stated in the application, delay is condoned, subject to costs of Rs.5,000/- (Rupees Five Thousand Only) to be paid to High Court Legal Services Sub-Committee, Nagpur within a period of **seven days**.

The civil application stands disposed of.

Appeal be registered after removing office objections, if any.

Civil Application (CAF) NO.11/2021

Learned counsel for the applicant states that the amount of compensation will be deposited within one week before this Court. Statement is accepted.

The execution and implementation of the impugned

judgment and award is stayed till the next date of hearing.

It is seen that the impugned judgment is of the year 2016. The appeal along with application for condonation of delay is filed in the year 2017. Till date, the appellant has not paid or deposited the amount of compensation as awarded by the Reference Court, which includes interest under Section 34 of the Land Acquisition Act, 1894, which is at the rate of 9% for the first year and 15% subsequent years till the date of final payment. The consequences of such inaction have been spelt out in detail in order dated 25/01/2021 in Civil Application No.2765/2018 in First Appeal Stamp No.14144/2018.

In view of the reasons stated in the said order, the appellant is directed to explain the reasons for the delay in depositing the amount of compensation. The affidavit to this effect shall be filed within one week.

Stand over to **05/02/2021**.

(SMT. ANUJA PRABHUDESSAI, J.)