

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 CIVIL APPLICATION NO.2806 OF 2021
IN REVIEW APPLICATION STAMP NO.2788 OF 2021
WITH
REVIEW APPLICATION STAMP NO.2788 OF 2021

...
THE COMPETENT AUTHORITY AND DEPUTY COLLECTOR
LAND ACQUISITION (MIP)
VERSUS
RAJENDRA VITTHAL AKHADE & OTHERS

...
Advocate for the applicant : Mr.A.B.Dhongade
AGP for Respondent-State : Mr.S.P.Tiwari
Advocate for Respondent no.6 : Mr.U.S.Malte

...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 25.02.2022

P.C. :

1] The Civil Application is filed seeking condonation of 369 days delay in filing review application.

2] For the reasons stated in the Application, the Civil Application is allowed. Delay stands condoned.

3] The applicant seeks review of the order dated 19th December, 2019 passed in Writ Petition No.2806 of 2018.

4] Mr.Dhongade, learned counsel for the review applicant submits that award dated 31.03.2010 needs to be amended as the same is not in consonance with the subsequent joint measurements.

5] Under the order dated 19th December, 2019, we had recorded the contention in the affidavit filed by respondent no.3 that the acquiring body has deposited the amount Rs.89,59,951/- on 13.02.2018. The applicant is already paid the amount of Rs.22,60,482/-. We had only observed that the petitioner can withdraw the amount from respondent no.3. We had also recorded the statement of Mr.Deshpande, learned ASG that award has not been amended and / or no other award has been passed.

6] We had further observed that in case the petitioner has any dispute with the quantum of amount, the petitioner can agitate the same under the provisions of the Arbitration and Conciliation Act.

7] In the order under review, we had not decided any aspect on merits. We have passed the order only on the basis of affidavit filed by the acquiring body, permitting the petitioner to withdraw the amount. No lis was decided. In case, the present Review Applicant has powers to pass subsequent orders under any statute or provision, then for the said purpose, the order need not be reviewed.

8] The legal provisions can be resorted to as permissible under law. The Review Application is disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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