

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

909 CIVIL APPLICATION NO.2399 OF 2022
IN FAST/23694/2020
WITH CA/2398/2022 IN FAST/23698/2020

THE EX. ENGINEER, MINOR IRRIGATION DIV. JALGAON AND ANOTHER
VERSUS
UMESH YASHWANT CHAUDHARI AND OTHERS

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Advocate for Applicants : Mr. Ajay D. Pawar.
Advocate for Respondent Nos.1 to 3: Mr. A. B. Kale.
AGP for Respondent No.4/State: Mr. P. M. Kulkarni.

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CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 22nd February, 2022.

Per Court:

. In pursuant to the order passed by this Court on yesterday, Mr. Pawar, learned counsel for applicants/acquiring body submits that the concerned officer of the acquiring body is present. He further submits, on instructions, that the acquiring body may deposit the amount of compensation as per the orders of this Court by 31st March, 2022 meaning thereby the acquiring body is not ready to deposit the amount of compensation as per the orders of this Court within fifteen days as suggested by this Court on yesterday.

2 Mr. A. B. Kale, learned counsel for original claimants submits that let the concerned officer of the acquiring body shall take

individual responsibility about deposit of that amount and in case of failure, he shall be liable to pay the interest.

3 I have considered the submissions of the learned counsels for both the sides as well as the orders passed by this Court. On going through the orders passed by this Court, it is noticed that ad-interim stay was granted by this Court vide order dated 14th January, 2021 on condition that the acquiring body shall deposit the amount to the extent of 50% of compensation awarded by the Reference Court within 12 weeks from the date of the order. The acquiring body has not complied with that order. The acquiring body again sought extension of time to comply the conditional stay order passed by this Court. This Court under order dated 8th April, 2021 again pleased to extend the time of two weeks to comply the order and accordingly the matter came to be adjourned to 22nd April, 2021. The acquiring body again moved applications thereby seeking extension of time to deposit the amount as directed by this Court and this Court was convinced to grant extension of 10 weeks time from 31st August, 2021. Again the acquiring body has not complied with the said order even in extended time and again applied for extension of time.

4 Having regard to the above noticed attitude of the acquiring body showing disrespect to the Court's orders despite of

granting extension after extension, no genuine steps are taken to deposit the amount in this Court. Having regard to the lack of *bona-fides* on the part of the acquiring body and looking to the case of compulsory acquisition, I am not at all convinced to extend the time. As such, the applications for extension of time are hereby rejected. The interim stay granted by this Court is hereby vacated.

5 Inform to the concerned Executing Court accordingly.

6 The original claimants are at liberty to move the concerned Executing Court so as to recover the amount as per the impugned award.

7 Civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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