

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

13 CIVIL APPLICATION NO.2912 OF 2021
IN FAST/5032/2021 WITH CA/2913/2021 IN FAST/5032/2021

MAHARASHTRA K. V. D. C. LTD.
THR EX. ENGINEER, OSMANABAD MED. PRO. DIV.

VERSUS

VITTHAL TUKARAM BHORE AND ORS

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Advocate for Applicant : Mr A.S. Shelke
AGP for Respondent Nos. 2 and 3/State : Mr N.T. Bhagat
Advocate for Respondent No.1 : Mr L.C. Patil

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 18th APRIL, 2022

PER COURT :

ORDER IN APPLICATION FOR CONDONATION OF DELAY.

1. It is an application for condonation of delay moved by the applicant/acquiring body.
2. Heard Mr A.S. Shelke, learned counsel for the applicant/acquiring body.
3. Issue notice to the respondents/original claimants. Mr L.C. Patil, learned counsel waives notice for respondent No.1/claimant and he submits that he has no objection to condone the delay. Mr N.T.Bhagat, learned AGP waives notice for respondent Nos. 2 and 3.

ORDER

- (I) The application for condonation of delay is hereby allowed in terms of prayer clause 11(B).

- (ii) The Registry is directed to make the scrutiny of the appeal as per procedure and thereafter, it be numbered and placed before the Court for admission.
- (iii) The civil application is accordingly disposed of.

ORDER IN APPLICATION FOR STAY

1. It is an application for stay moved by the applicants.
2. Heard Mr A.S. Shelke, learned counsel for the applicants.
3. Issue notice to the respondents/claimants and State. Mr L.C.Patil, learned counsel waives notice for respondent No.1 and Mr N.T. Bhagat, learned AGP waives notice for respondent Nos. 2 and 3.
4. Perused the impugned Judgment and award passed in LAR No. 139/2014.
5. The Special Land Acquisition Officer was pleased to pay compensation in respect of acquired land @ Rs. 25,000/- per hectare (Rs. 250/- per R). Whereas the Reference Court was pleased to enhance the same @ Rs.2,000/- per R (Rs.80,000/- per acre) which is 8 times more than the rate given by the Special Land Acquisition Officer.
6. Mr Shelke, learned counsel pointed out that the Reference Court has awarded interest from the date of possession which is contrary to the Full Bench decision in case of the ***State of Maharashtra, through Sub Divisional Officer and Special Land Acquisition Officer, Darwha, District Yavatmal Vs. Kailash Shiva Rangari*** reported in ***2016 (3) Mh.L.J. 457*** and that fact needs to be considered.

7. Having considered the submissions of both the sides, I am convinced to grant stay as under :-

ORDER

- (i) There shall be ad-interim relief in terms of prayer clause (B) on condition that the applicant/acquiring body shall deposit entire amount of compensation with accrued interest thereon within a period of twelve weeks from today in this Court.
- (ii) Inform to the concerned executing Court/Reference Court accordingly.
- (iii) Stand over to 10.08.2022.

(SHRIKANT D. KULKARNI, J.)

mta