

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

**925 CIVIL APPLICATION NO.507 OF 2018
IN FAST/31593/2017**

**VITTHAL MHAYSAJI GADARAO
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr U.B Bilolikar, Advocate for applicant
Mr S.G. Sangle, A.G.P. for respondents no.1 and 3

CORAM : SHRIKANT D. KULKARNI, J..

DATE : 6th January 2022

PER COURT :

1. It is an application for condonation of delay.
2. Heard Mr U.B.Bilolikar, learned Advocate for applicant and Mr S.G. Sangle, learned A.G.P. for respondents no.1 and 3. None present for respondent no.2/acquiring body though notice is duly served.
3. There seems to be delay of 63 days in preferring the appeal.
4. For the reasons stated in the application, particularly in paragraph 5, it is necessary to condone the delay. At the same time, I could not overlook the observations made by this Court vide order dated 21.10.2021. It is observed by this Court (Coram : R.G. Avachat, J.) in the order dated 21.10.2021 that practically, for four years circulation was not taken and, therefore, the applicant is not entitled to get the component of interest and statutory benefits for that period for not taking the circulation. Certainly, applicant shall not be entitled to get the statutory benefits and interest under the Land Acquisition Act for the delayed period as well as for the period for which the applicant has not taken circulation. He has to furnish undertaking to that effect to the Registrar (Judicial).

ORDER

(i) The Civil Application is hereby allowed in terms of prayer clause (B) on condition that applicant shall furnish undertaking to the Registrar (Judicial) of this Court stating that he shall not claim the statutory benefits and interest for the delayed period as well as for the period for which the applicant has not taken circulation.

(ii) After furnishing such undertaking by the applicant, the Registry to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission.

(iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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