

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

First Appeal No.1194/2017

The Executive Engineer, Bembla Project Yavatmal V Shankarrao and others

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

Court's or Judge's Orders

Mr. P.B. Patil, Adv. for appellant.
Mr. A.B. Nakshane, Adv. for resp. no.1.
Mr. M.A. Kadu, AGP for resp. nos.2 and 3.

CORAM : AVINASH G GHAROTE, J.
DATE : 05-12-2022

Mr. Patil, learned Counsel for the appellant,
Mr. Nakshane, learned Counsel for respondent no.1 and Mr.
Kadu, learned AGP for respondent nos. 2 and 3.

2. Mr. Nakshane, learned Counsel for respondent no.1, does not dispute that in F.A. No. 819/2015 (*Executive Engineer, Bembla Project Division, Yavatmal Vs Bhavrao Shivram Bhagat thr Lrs and others*) decided on 19-07-2019 and also in all the other matters, in respect of village Dighi, the rate of land has been decided as Rs.500/-per sq.mtr by this Court and therefore is agreeable to the reduction of rate to the land from Rs. 550/- per sq.mtr as awarded by the Reference Court to Rs.500/- per sq. mtr.

3. He also admits that insofar as the rate for construction is concerned, though the same has been enhanced from Rs. 1289/- per sq. mtr to Rs. 1800/- per sq.mtr by the Reference Court, however according to him,

as per the policy of the appellant, the enchantment upto 25% has been accepted which comes to Rs. 1611/- per sq.mtr and therefore is agreeable to the rate of Rs.1611/- per sq. mtr for the construction, accepting the said statement, the judgment of the Reference Court dated 13-01-2015 is hereby modified by reducing the rate of land to 500/- per sq. mtr and that of construction to Rs. 1611/- per sq. mtr.

4. The rest of the judgment remains the same with according to correction.

5. Appeal is allowed in the above terms. No costs.

JUDGE