

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

CIVIL APPLICATION (CAF) NO.2563/2022

IN

FIRST APPEAL NO.585/2015 (D)

Vidarbha Irrigation Development Corporation, Through Executive Engineer,
Bembla Project Avadhootwadi, Yavatmal, Tq. & Distt. Yavatmal

...Versus...

Indira w/o Dattu Bagade and others

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

Court's or Judge's orders

Shri P.B. Patil, Advocate for appellant
Shri K.S. Narwade, Advocate for respondent nos.1 and 2/applicants
Mrs. M.H. Deshmukh, AGP for respondent nos.3 and 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/12/2022

1. The civil application is on behalf of the respondent nos.1 and 2 for directing the appellant to deposit the difference of amount of compensation.
2. Under pursis dated 08/12/2022, a chart indicating calculations has been given as document no.1, which is agreeable to Shri Narwade, learned counsel for the respondent nos.1 and 2. The calculations indicate that total amount due and payable to the respondent nos.1 and 2 is Rs.2,58,377/- in respect of which Shri Narwade, learned counsel for the respondent nos.1 and 2 has no objection, considering the date

of Section 4 notification which is mentioned as 24/11/1997. He, however, contends that the actual date of notification is 29/05/1997, which is admitted by Shri Patil, learned counsel for the appellant, which will make consequences resulting the respondent nos.1 and 2 being entitled for all the interest and ancillary benefits for the duration 29/05/1997 and 24/11/1997.

3. Shri Patil, learned counsel for the appellant undertakes to deposit the sum of Rs.2,58,377/- and the amounts as due and payable for the duration 29/05/1997 and 24/11/1997 by 30/12/2022 by RTGS in the Reference Court. Upon the amount being so deposited, the respondent no.1 and 2 shall be entitled to withdraw the same since the appeal is already decided.

4. The civil application is accordingly allowed and disposed of. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar