

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 FIRST APPEAL NO.3263 OF 2023
WITH FA/3262/2023 WITH FA/3264/2023 WITH
FA/3265/2023 WITH FA/4205/2023 WITH FA/4206/2023
WITH FA/4201/2023 WITH FA/4202/2023 WITH
FA/4203/2023 WITH FA/4204/2023 WITH FA/4209/2023
WITH FA/4210/2023 WITH FA/4207/2023 WITH
FA/4208/2023 WITH FA/4194/2023 WITH FA/4212/2023
WITH FA/4191/2023 WITH FA/4189/2023 WITH
FA/4195/2023 WITH FA/4190/2023 WITH FA/4211/2023
WITH FA/4192/2023 WITH CA/13718/2023 IN
FAST/26524/2023 WITH CA/13699/2023 IN
FAST/26526/2023 WITH CA/13697/2023 IN
FAST/26528/2023 WITH FA/4199/2023 WITH
FA/4200/2023 WITH CA/13692/2023 IN
FAST/26534/2023 WITH FA/4193/2023

SURENDRA RATANSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
DHULEAND ORS

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Advocate for Appellants: Mr. Anudeep Dilip Sonar
AGP for Respondents No.1&2: Mr. N. S. Tekale
Advocate for Respondent No.3: Mr. Ajay D. Pawar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 30th NOVEMBER, 2023

PER COURT:

1. Heard.

2. The learned AGP waives service of notice for
respondents no.1 and 2 in all the matters.

3. Civil Applications No.13718 of 2023, 13699 of 2023, 13697 of 2023 and 13692 of 2023 are filed for condonation of delay.

The learned counsel submits that since the delay is only of 449 days the applicants would waive 50% of the interest component, so also, statutory benefit for the delayed period.

In view of the same, the applications for condonation of delay are allowed, subject to the applicants being not entitled to the 50% of the interest component and statutory benefit for the delayed period.

4. The learned counsel appearing for the parties submits that these appeals are covered by another connected matters wherein this court by order dated 11.09.2023 has disposed of the First Appeal No.2563 of 2023 and other connected first appeals. The parties are ad idem that this would be covered by the same.

5. In view of the same, the following order is passed:

ORDER

i] All these appeals are partly allowed and the respondent – acquiring body shall pay compensation amount to all these appellants – claimants in respect of their house properties mentioned therein at the rate of 85% of the valuation report submitted by these appellants before the learned Reference Court.

ii] The respondent – acquiring body shall pay the interest under Section 28 of the Land Acquisition Act from the date of award.

iii] The respondent – acquiring body shall deposit the amount of enhanced compensation as aforesaid, within a period of one year from the date of this order directly in Reference Court and on such deposit, all these appellants – claimants are permitted to withdraw their respective amounts of compensation alongwith the interest.

iv] In the matters, where the delay is condoned, the appellant would not be entitled to 50% of interest for the delayed period and statutory benefit for the delayed period.

v] In case the payment is delayed by the respondent – acquiring body even after period of one year then it shall carry the statutory interest till its realization.

vi] The concerned appellants – claimants are directed to pay the deficit Court fees, if any, at the time of modification of awards.

vii] The awards be modified accordingly and the pending Civil Applications, if any, also stand disposed of.

viii] All the first appeals are disposed of.

[ARUN R. PEDNEKER, J.]