

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

WRIT PETITION NO.937 OF 2023

Ganesh Gangadhar Vaidya

Petitioner

Versus

The State of Maharashtra and others

Respondents

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Mr. K B Jadhav, Advocate for the petitioner

Mr.D.R. Kale, GP for respondent no.

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**CORAM : S.V. GANGAPURWALA, ACTING C.J.
& GAURI GODSE, J.**

Date : 24th January, 2023

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PER COURT :-

1. The petitioner has filed a reference seeking enhancement of compensation referring to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short hereinafter referred to as 'the Act of 2013'). The same is rejected on the ground that it is not filed within limitation.

2. Learned counsel for the petitioner submits that, award is passed on 17.7.2015. Notice was issued to the petitioner under section 12 (2) of the Land Acquisition Act on 7.5.2018. The reference is filed on 20th of June, 2018. Learned counsel

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submits that there was a delay of two days, however, Proviso to section 2(b) of Section 34 of the Act of 2013 has not been considered. The petitioner has given reasons for delay caused in filing the reference.

3. We have heard the learned AGP for the Respondents.

4. On perusal of the order passed by the Authority, it is manifest that the authority has not considered the proviso to Section 64 (2)(b) of the Act of 2013. Discretion has been given to the Collector to entertain the application after expiry of the period of limitation within a further period of one year, if satisfied that there was sufficient cause for not filing it within time specified in the first proviso. As such, the said aspect was not being considered, the impugned order is quashed and set aside. The Sub Divisional Officer, Partur shall re-consider the reference of the petitioner and take decision afresh with regard to the limitation and/or whether the petitioner has made out a sufficient cause. The decision shall be taken afresh preferably within four months from the appearance of the petitioner before the authority. The

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petitioner shall appear before the authority on 22nd February, 2023.

5. Writ Petition is disposed of. No costs.

(GAURI GODSE, J.)

(ACTING CHIEF JUSTICE)

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