

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.31 OF 2023
IN
WRIT PETITION NO.5327 OF 2022**

Nagesh Prabhakar Patil .. Petitioner
Versus
Sau. Sangeet Natwarlal Karua & Ors. .. Respondents

**ALONG WITH
REVIEW PETITION NO.32 OF 2023
IN
WRIT PETITION NO.5593 OF 2022**

Nagesh Prabhakar Patil .. Petitioner
Versus
Shri Shrikant Govind Taklikar & Ors. .. Respondents

Mr.Tejas Deshmukh a/w Mr.H.D. Chavan and Mr.Sagar Kursij for the Review Petitioner in both Review Petitions.
Mr. Manoj A. Patil for the Petitioners in both Writ Petitions.
Mr.Chandan Athani i/by Siddharth Ambegaonkar/Hinge & Deshmukh Associates for the Respondent No.6-NHAI.
Mr.V.S. Gokhale, 'B' Panel Counsel for the State.

**CORAM : R.D. DHANUKA &
M.M.SATHAYE, JJ.
DATE : 19th April 2023**

P.C.:-

. By this review petition, the Petitioner who was the original Respondent No.7 seeks recall of the observations made in paragraph 14 of the judgment dated 28th February 2023 making various observations about the conduct of the Review Petitioner and initiating enquiry against him.

2. Mr.Deshmukh, learned counsel for the Review Petitioner fairly states that his client could not have made supplementary award as there is no such provision under the National Highways Act, 1956. He however, on instructions, states that the supplementary award was made by his client in view of the letters dated 19th May 2021 and 20th July 2021 addressed by the National Highways Authority of India to the Deputy Collector, (Land Acquisition Officer) No.1, Solapur. He submitted that his client was under bonafide impression that in view of those letters, the Petitioner could make a supplementary award.

3. Mr.Patil, learned counsel for the original Petitioners states that he could not take instructions from his client in this Review Petition.

4. It is not in dispute that the award was already made by the Competent Authority in favour of the original Petitioners. The said award has not been challenged by the National Highways Authority of India. On the contrary, the National Highways Authority of India had deposited the entire amount of compensation called from National Highways Authority of India. The original Petitioners were already issued notice to come and collect the compensation amount.

5. Though we are not satisfied with the explanation given by the learned counsel for the Review Petitioner that in view of the correspondence addressed by the National Highways Authority of India, the Review Petitioner was made to believe that he could pass a supplementary award but in view of the fact that the Review Petitioner had tendered an unconditional apology before this Court and given

assurance that he would be more careful in future and in view of the fact that the observations made by this Court against the Review Petitioner made ex parte when he was deleted from array of Respondents in original writ petition, we expunge the observations was made against the Review Petitioner in paragraph 14 of the said judgment dated 28th February 2023 including that of enquiry. We also warn the Review Petitioner to be more careful in future and make himself familiar with the law before passing any order or award.

6. Review Petition is disposed off in aforesaid terms. No order as to costs.

M.M.SATHAYE, J.

R.D. DHANUKA, J.