

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

CIVIL APPLICATION (F) NO.2541 OF 2021

IN

FIRST APPEAL (ST) NO.6186 OF 2021

[Vidarbha Irrigation Development Corporation ..V/s.. Chandrashekhar S/o
Bhimraoji Deshmukh and Ors.]

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

Court's or Judge's order

Mr A. M. Kukday, Advocate for Applicant/Appellant.
Mr S. Alaspurkar, Advocate for Respondent Nos.1 and 2.
Ms T. H. Udeshi, AGP for Respondent Nos.3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 10th APRIL, 2023.

1. This application is by the applicant/appellant for stay to the effect, operation and implementation of the impugned judgment and award dated 03.07.2019 passed by the Reference Court in L.A.C. No.33 of 2013.

2. Mr Kukday, learned Advocate appearing for the appellant – VIDC submitted that the entire amount is already deposited.

3. In view of the statement made by the learned Advocate for appellant, the effect, operation and implementation of the impugned judgment and award dated 03.07.2019 passed in L.A.C. No.33 of 2013 be stayed, till final disposal of the appeal.

4. Civil application is disposed of accordingly.

CIVIL APPLICATION (F) NO.1033 OF 2023.

5. Present application is for seeking permission to withdraw the amount.

6. The grounds raised by the respondent Nos.1 and 2 that

their land is acquired by the Government and now they have no source of income, and therefore, they are in need of the amount of compensation.

7. The said application is strongly opposed by Mr Kukday, learned Advocate for appellant on the ground that the appellant preferred the appeal as compensation awarded is exorbitant and excessive one.

8. In view of the reasons mentioned in the application and the objection raised by the appellant, it will be appropriate to permit the respondent Nos.1 and 2 to withdraw the 50% amount of compensation on usual undertaking. The respondent Nos.1 and 2 are permitted to withdraw the 50% amount of compensation alongwith accrued interest.

9. The amount be disbursed on due identification and verification.

10. The civil application is disposed of accordingly.

CIVIL APPLICATION (F) NO.2540 OF 2021.

11. Present application is by the appellant – VIDC seeking condonation of delay of 99 days, which is caused in preferring an appeal.

12. As per the contention of Mr Kukday, learned Advocate for appellant, the appellant is the statutory body, who has to obtain the necessary approvals, wherein the time was consumed, and therefore, the delay of 99 days is caused.

13. Learned Advocate for respondent Nos.1 and 2 and learned Assistant Government Pleader for respondent Nos.3 and 4 have

has no objection.

14. In view of the reasons mentioned in the application, the delay of 99 days is condoned. Appeal be registered and numbered accordingly.

15. Civil application is disposed of.

FIRST APPEAL (ST) NO.6186 OF 2021.

16. **Admit.**

17. Call for Record and Proceedings.

18. Mr Alaspurkar, learned Advocate waives notice for respondent Nos.1 and 2 and Learned Assistant Government Pleader waives notice for respondent Nos.3 and 4.

19. Appellant to file the private paper-book within ten weeks after receipt of the record and proceedings.

20. Appeal be placed before the Court after filing of the paper-book, its verification, as per its own turn.

JUDGE