

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

MISC. CIVIL APPLICATION NO.712 OF 2022

IN

WRIT PETITION NO.1391 OF 2020

Bhojraj Liladhar Vaidya, Post Mangarud, Tah. Bhiwapur, Dist. Nagpur and anr.

-vs-

Union of India, Thr. Secretary, Dept. of Mines, Govt. of India, Shastri Bhawan, New Delhi and
ors.

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

Court's or Judge's Orders.

Shri P. D. Meghe, Advocate for applicants.

Shri N. S. Deshpande, Deputy Solicitor General of India for non-applicant Nos.1
and 2.

Shri A. M. Ghare, for non-applicant Nos.3 and 4.

Ms N. P. Mehta, Assistant Government Pleader for non-applicant Nos.5 and 6.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : April 21, 2023

1. Heard the learned counsel for the applicants and perused the grounds of review.
2. We note that though Notification dated 17/11/2010 came to be issued under Section 9(A) of the Coal Bearing Area (Acquisition and Development) Act, 1957, the case of the applicants has been considered under Resettlement and Rehabilitation Policy of 2012. It is on this basis that the applicants seek review of the order dated 18/08/2022.
3. It is seen that the applicants did not argue in the writ petition that their case for entitlement ought to be considered under the Resettlement and Rehabilitation Policy of 2008. As per the agreement dated 23/10/2013, monetary benefits in the form of compensation were given to the applicants at the rate admissible under the Policy of 2012. Having secured such benefits under the Policy of 2012, it would not be now open for this Court to consider in review jurisdiction as to whether the applicants would be entitled to benefit under 2008 Policy especially

when no such case was urged earlier.

4. There is no error apparent on the face of record. Misc. Civil Application is therefore rejected.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita