



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO. 1260 OF 2023

Maharashtra Airport Development Company, Ltd., through its Vice Chairman and
Managing Director, Mumbai and another

..VS..

M/s. Suretech Hospital and Research Center Limited through its Chairman-cum-
Managing Director Dr. Shri Rajendra S/o Ganpatrao Deshmukh and Others

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

Court's or Judge's orders

Mr. S.Y. Deopujari, Advocate for appellants.
Mrs. Mrunal Naik, AGP for respondent Nos.2 and 3.

CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.

DATED : 22nd DECEMBER, 2023

Heard.

2. Issue notice to the respondents, returnable after four weeks.
3. Mrs. Mrunal Naik, learned AGP waives service of notice for respondent Nos.2 and 3.

CIVIL APPLICATION (CAF) NO. 3878 OF 2023.

1. Heard.
2. This is an application seeking stay to the execution of impugned Judgment and Award dated 15.07.2023 passed in Land Acquisition Case No.339/2014.

3. The appellants Acquiring Body has seriously objected the legality of impugned judgment by raising several grounds. It is submitted that the claimant has purchased certain piece of land which was declared to be surplus land under the provisions of the Urban Land (Ceiling and Regulation) Act 1976. The claimant has prepared a Scheme and got exemption under Section 20 of the Urban Land (Ceiling and Regulation) Act, but has not implemented the scheme. In the meantime, the said land was acquired for Mihaan Project. It is the appellant's contention that since it was a land falling under Urban Land (Ceiling and Regulation) Act, due to non implementation of Scheme, the claimant cannot get compensation as per market rate.

4. Secondly, it is argued that the reference Court has granted too excessive compensation which is almost five time more than the compensation fixed by Land Acquisition Officer. It is submitted that the Land Acquisition Officer has considered various sale-deeds in the periphery, however, the reference Court by relying on isolated sale-deed pertaining to township has granted excessive compensation.

5. It is submitted that already execution has been filed, in which, attachment warrant has been issued against the Collector.

6. Having regard to above facts, and considering the urgency expressed, we are passing the following interim

order with the understanding that on an appearance of other side, it will be decided on merits.

- (i) The execution and implementation of the impugned Judgment and Award dated 15.07.2023 passed in Land Acquisition Case No.339/2014 shall stand stayed on appellants depositing 50% of the amount as directed by the reference Court within a period of six weeks from today in this Court.
- (ii) Needless to say that if any amount paid to the claimant, that shall be considered while calculating 50% of the amount.

Steno copy of order be supplied to the learned Counsel for the parties.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)