

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

FIRST APPEAL NO. 566 OF 2024

Kirti Agro. Company Ltd. Through Its Director ... Appellant
Kirtikumar Vishnudas Bhutada

Vs.

The Executive Engineer, Solapur And Ors. ... Respondents

Adv. Hrishikesh Sopan Shinde, for the Appellant.
Adv. Sachin Gite, for the respondents.

CORAM : KISHORE C. SANT, J.

DATE : 23rd APRIL, 2024

P.C.:-

1. Heard. By consent of the parties as the Appeal is mainly pressed for remand. It is the case that the learned Reference Court has dismissed the Reference with costs mainly for the reason that the Appellant/Claimants have not produced evidence in the Reference. The learned Advocate for the Appellant has produced on record a copy of Order passed by Division bench of this Court dated 12th April, 2024, in First Appeal Stamp No. 3870 of 2023, in respect of the Appeal arising out of the same project from which the present appeal arises. The Division Bench of this Court by considering the similar set of facts has remanded the Reference for fresh decision by the Reference Court.

2. Considering the facts this Court is inclined to allow the present Appeal also to the extent of quashing and setting aside the impugned Judgment and Order and to restore the Reference to its original position. Hence the following Order:-

ORDER

- a) The judgment dated 13th January, 2020, passed by the learned Civil Judge, Senior Division, Solapur in Land Acquisition Reference No. 13 of 2013 is set aside.
- b) The proceedings are restored before the Reference Court for deciding the same afresh in accordance with law and after giving an opportunity to the parties.
- c) In case the appellant is held entitled for enhancement in the amount of compensation, he would not be entitled to receive interest on the same for the period from 13th January, 2020, till today.
- d) The reference proceeding shall be decided expeditiously on its own merits and in accordance with law.
- e) The appellant to pay cost of Rs. 20,000/- to respondent No. 1 as a condition precedent.
- f) The record and proceedings be sent to the Reference Court forthwith.

3. The First Appeal stands disposed of in the aforesaid terms with no order as to costs.

(KISHORE C. SANT, J.)