

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10282 OF 2024

IN

FIRST APPEAL (STAMP) NO.2498 OF 2022

Sopan Gangaram Mergal

....Applicant/Appellant

Versus

The Special Land Acquisition

Officer No.03, Pune

....Respondent

Mr. Gaurav Potnis i/b. P.H. Potnis for the Applicant/Appellant.

Mr. A.R. Patil, Addl.G.P. for State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 25, 2024

P. C.

1. This Appeal is directed against a Judgment of the District Court at Baramati dated July 23, 2013 in Land Reference No.59 of 2004, by which the compensation payable for lands acquired in the Village Kalas, Taluka Indapur, District Pune came to be determined.

2. Learned Counsel for the Appellant submits that the compensation awarded originally was Rs.27,000/- per hectare which came to be enhanced to Rs.1,50,000/- per hectare. The grievance of the Appellant is that the District Court ought to have awarded compensation of a sum of Rs.3,00,000/- per hectare.

Learned Counsel for the Applicant also raises a grievance that till date not a single rupee has been deposited even with the District

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Court by the Land Acquisition Officer and seeks a condonation of delay of eight years and 98 days in preferring this Appeal.

3. The Learned AGP, on the last occasion, had submitted that should the amount of compensation as enhanced by the Reference Court come to be further enhanced by this Court, then in such situation, interest for the period of delay in the part of the Applicant in approaching this Court must stand waived at the threshold for this Court to consider condoning the delay in filing this Appeal.

4. Heard the Learned Counsel for the parties. The State has not filed any Appeal, whereby it is clear that the State agrees with the view that the original awarded amount in the sum of Rs.27,000/- per hectare indeed ought to have been Rs.1,50,000/- per hectare. On the basis of the averments made on oath by the Appellant, I am of the view that it is necessary to condone the delay in the interest of justice. However, it is made clear that to adjust equities for the delay of eight years and 98 days in filing the Appeal, should the amount finalized by the Reference Court stand further enhanced in disposal of this Appeal, the Appellant shall not be entitled to claim interest for the period of such delay, namely, eight years and 98 days on the quantum of such enhancement. In other words, the interest for the period of delay, namely, eight

years and 98 days shall not be available to the Applicant on any amount in excess of Rs.1,50,000/- per hectare that may be awarded pursuant to this Appeal.

5. Delay condoned in the aforesaid terms.

6. While the Appellant has come late in appeal, it cannot be countenanced that the State, which has not even appealed, fails to honour the obligation owed to poor famers for such inordinately long period. Learned AGP undertakes to this Court that the amount as enhanced by the Reference Court and set out in the impugned judgment shall be deposited alongwith interest accruing thereon till date, with the Registry of the District Court, Baramati, no later than the expiry of eight weeks from today.

7. Interim Application is disposed of in the aforesaid terms.

8. List the Appeal for admission on **October 9, 2024**.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]