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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4363 OF 2024

Pravin Chamaria and Anr.

... Petitioners

V/s.

The State of Maharashtra and Ors.

... Respondents

Ms Grishma Mahatme a/w. Mr. Aman Kacheria i/b. Agarwal & Dhanuka
legal for the Petitioners.

Mr. Vaibhav Joglekar, Senior Advocate a/w. Mr. Mahesh Joshi for the
Respondents 4 and 5

Mr. Akshay Shinde, 'B' Panel Counsel for the Respondent-State

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 18 APRIL 2024

P.C.:

1. On 1 April 2024, the following order came to be passed:

“ Heard the learned Counsel for the parties.

2. Issue raised in this Petition is whether the compensation for acquisition under the National Highways Act, 1955 which is to be disbursed to a partnership firm is to be directly credited in the bank account of individual partners or it should be credited to the bank account of the firm. According to the Petitioners it should be in the account of the firm, which according to the private Respondent, it should be for the individual partners. Such matters cannot be decided from case to case basis. The State must have a specific policy in that regard. No policy or circular is placed on record. The learned

AGP seeks time to file an affidavit placing on record the guidelines/circulars, if any, issued for this contingency.

3. Stand over to 18 April 2024 under the caption “For Directions”.

4. As regard the disbursal of the amount is concerned, the same be deferred till 22 April 2024.”

2. Learned AGP states that as per his instructions there is no specific policy. As we have indicated in the order dated 1 April 2024 such issues may arise in several matters in view of the large number of cases arising from the acquisition under National Highways Act where substantial amount of money is involved. So far as further litigation is concerned, it is necessary that there is certainty in the approach to be adopted by the Government.

3. Learned AGP seeks time. Office of the Government Pleader will place the copy of this order before the Principal Secretary, Revenue Department so that he can look into the issue and issue necessary directions as to either to issue certain guidelines or to file affidavit in this Writ Petition.

4. Stand over to **29 April 2024** under the caption “for directions”.

5. Ad-interim relief granted earlier to continue till the next date.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)