

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13254 OF 2024

IN

FIRST APPEAL (ST) NO. 24058 OF 2024

AND

INTERIM APPLICATION NO. 13256 OF 2024

IN

FIRST APPEAL (ST) NO. 25983 OF 2024

Brihanmumbai Municipal Corporation ...Applicant

Versus

Anusaya Sitaram Devrukhkar & Ors ...Respondents

Mr. Girish Godbole, Senior Counsel, a/w Rahul Soman, Aditya Joshi, Vidya Vyavahare, Pallavi Khale for the Applicant/Appellant (BMC) in FAST/24058/2024.

Mr. Anoshak Daver, i/b Nikhil Mengde, Rahul Lathi, Siddhikesh Ghosalkar, Sahil Salunke, Burjis Doctor, for Respondent Nos.1, 7 to 11.

Mr. Anuj Desai, a/w Rajendra B. Singhavi, Dhrumil C. Shah, Divya Dave, i/b Lex Services for Respondent No.12.

Ms. Snehal Bhoir, Sub-Engineer, BMC(DP) Department is present in Court.

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : OCTOBER 17, 2024

PC :

1. The above Interim Applications are filed by the Appellant (MCGM) seeking the Condonation of Delay in filing the above Appeals.

There was a preliminary objection raised for condoning the delay. It is an admitted position before us that the above Appeals have been filed beyond the period of 120 days. The objection raised for condoning the delay is that under Section 74(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Appeal is to be filed initially within a period of 60 days and the High Court, if it is satisfied that the Appellant was prevented by sufficient cause from filing an Appeal within the said period, allow it to be filed within a further period not exceeding 60 days. It is the argument of the Respondent that since the Appeals have been filed beyond the additional period of 60 days (i.e., beyond the total period of 120 days), the High Court has no power to condone the delay.

2. On this aspect, we have heard the learned counsel for the parties at length. We have today concluded the arguments and reserved the judgment, which shall be pronounced in due course.

3. 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.]

[B. P. COLABAWALLA, J.]

Page 2 of 2

October 17, 2024