



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**MISC. CIVIL APPLICATION (REVIEW) NO.230 OF 2024**  
**IN**  
**FIRST APPEAL NO. 426 OF 1996**

V.I.D.C. through Executive Engineer, Arunawati Project, Yavatmal  
VS.

Dattaram s/o Tatyaji Paul (Dead) through his LR's and ors.

---

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions      Court's or Judge's orders.  
and Registrar's Orders.

---

Mr. Mangesh Kadu, Advocate for applicant/appellant.

Mr. Pawan Sarise, Advocate h/f Mr. R.J. Shinde, Advocate for LR's of respondent No.1.

Mr. S.C. Joshi, AGP for respondent Nos.2 to 4.

**CORAM : G.A. SANAP, J.**  
**DATE : 9<sup>th</sup> MAY, 2024.**

The acquiring body has filed this application for review of judgment and order dated 20.02.2019 passed in First Appeal No.426/1996.

2. It is the case of the applicant that the land of non-applicant Nos. 1A to 1E was acquired for the submergence of the Arunawati Project. The award was passed on 03.08.1988 and the market price of the acquired land, i.e., survey No.93/4, admeasuring

2.2 HR, was determined at the rate of Rs.13,500/- (Rupees Thirteen Thousand Five Hundred Only) per hectare. The original claimant filed the reference. It was registered as Land Acquisition Case No.193/1992. The LAC was decided on 15.09.1995, and the Reference Court enhanced the compensation from Rs.13,500/- to Rs. 90,000/- (Rupees Ninety Thousand Only) per hectare. Being aggrieved by the excessive nature of compensation, the State of Maharashtra filed an appeal which was registered as First Appeal No.87/1996. The claimant, being aggrieved by the inadequate compensation awarded by the Reference Court, filed the appeal which was registered as First Appeal No.426/1996. The First Appeal filed by the State bearing First Appeal No.87/1996 was decided on 17.09.2010 and the Coordinate Bench of this Court (Coram: Smt. Vasanti A. Naik, J.) reduced the market price of the acquired land from Rs.90,000/- per hectare to Rs.70,000/- per hectare.

3. It needs to be stated that the appeal filed by the State was not tagged with First Appeal No.426/1996 filed by the claimant. The First Appeal No.426/1996 filed by the claimant

remained pending and was ultimately decided on 20.02.2019. The Coordinate Bench of this Court (Coram: Arun D. Upadhye, J.) by the judgement and order, allowed the appeal and enhanced the compensation from Rs.90,000/- (Rupees Ninety Thousand Only) per hectare to Rs.6,50,000/- (Rupees Six Lacs Fifty Thousand Only) per hectare. It is stated that while arguing one matter, learned Advocate for the applicant came to know about this mischief. It is stated that the claimant has suppressed the judgment rendered in First Appeal No.87/1996 dated 17.09.2010, passed by the Coordinate Bench of this Court in the matter of the very same claimant. It is contended that by suppressing the earlier judgement, the judgment dated 20.02.2019 was obtained. It is submitted that if the earlier judgment had been pointed out to the Coordinate Bench while deciding First Appeal No.426/1996, the Court would not have granted the compensation at the rate of Rs.6,50,000/- per hectare *inasmuch* as the issue between the parties was finally adjudicated upon vide judgement and order dated 17.09.2010 in First Appeal No.87/1996. Learned Advocate submitted that on account of this

mischievous and suppression, the judgment and order dated 20.02.2019 needs to be reviewed.

4. Learned Advocate submitted that all relevant facts are required to be placed before the Court for consideration to adjudicate the contentions of the claimant in First Appeal No.426/1996. Learned Advocate submitted that in view of the judgment rendered by this Court in First Appeal No.87/1996 on 17.09.2010 in respect of the same subject matter, the compensation should not have been enhanced by relying upon the decisions referred to in the judgement and order dated 20.02.2019.

5. Learned Advocate for the claimant, on being confronted with this factual situation, has conceded that the judgment rendered in First Appeal No.87/2010, dated 17.09.2010 was between the same parties. Learned Advocate, however, in order to wriggle out of this situation, has submitted that he was not aware of this factual position, and therefore, the earlier judgment could not be brought to the notice of the Court at the time of final hearing of

First Appeal No.426/1996.

6. On going through the record and proceedings, I am satisfied that the judgment and order dated 20.02.2019 is required to be recalled and reviewed. It needs to be stated that the decision by the Coordinate Bench of this Court in First Appeal No.87/1997, dated 17.09.2010, was not brought to the notice of the Coordinate Bench while hearing First Appeal No.426/1996. The said judgment was between the same parties. The judgment was binding on both parties. The judgment in First Appeal No.87/2010 on the date of hearing of First Appeal No.426/1996 between the same parties had attained finality. It was therefore, necessary on the part of the claimant to place that judgment before this Court for consideration. In my view, therefore, this very fact is sufficient to conclude that judgment dated 20.02.2019 has been obtained by suppressing the material facts. The claimant without pointing out the earlier judgment between him and the applicant here, relied upon some other judgments. In my view, on the ground of suppression of facts, the judgment and order dated 20.02.2019 has rendered illegal. In

my view, this is sufficient ground for recall and review of the judgment.

7. Accordingly, the application is allowed.

8. The judgment and order dated 20.02.2019 is recalled and reviewed. The First Appeal No.426/1996 be restored to file to its earlier number and listed for final hearing in June, 2024. The appellant in First Appeal No.426/1996 shall add the acquiring body as respondent No.4.

9. Miscellaneous application stands disposed of.

**JUDGE**

*Manisha*