



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.2246 OF 2024 IN
FIRST APPEAL ST. NO.13809 OF 2024

Anusaya Haribhau Pawar through LRs. **.Vs.** Executive Engineer, Washim and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.B. Darekar, Advocate for appellants.

Ms Deepa I. Charlewar, A.G.P. for respondents/State.

Shri M.A. Kadu, Advocate for respondent No.1.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 20/08/2024

1. Issue notice to the respondents, returnable after **three weeks**.
2. Shri Kadu, learned advocate waives service of notice for the respondent No.1.
3. The learned A.G.P. waives service of notice for the respondent Nos.2 and 3/State.
4. This is an application for condonation of delay of 718 days caused for filing first appeal.
5. Heard learned advocates for both sides.
6. Perused the application.
7. For the reasons stated in the application, the application deserves to be allowed in the interest of justice.
8. The application is **allowed**. Delay of 718 days caused for preferring first appeal is condoned.

9. It is made clear that in view of the decision in the case of *New Okhla Industrial Development Authority v. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another* (2022 SCC Online SC 1599), the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payment under the Land Acquisition Act on the enhanced amount of compensation for the delayed period, in case the appeal is allowed.

10. The civil application stands **disposed of**, accordingly.

FIRST APPEAL ST. NO.13809 OF 2024

11 Issue notice to the respondents, returnable after **three weeks**.

12. **ADMIT.**

13. Call record and proceedings.

14. Shri Kadu, learned advocates waives service of notice for the respondent No.1.

15. The learned A.G.P. waives service of notice for the respondent Nos.2 and 3/State.

(SANJAY A. DESHMUKH, J.)