



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

CIVIL APPLICATION CAF NO.3208 OF 2023
IN
FIRST APPEAL ST NO.7707 OF 2023
THE DEPUTY CHIEF ENGINEER, CENTRAL RAILWAY DIVISION, AJANI,
NAGPUR
VS
SAU. JYOTI MAHESH AGRAWAL AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.P. Lambat, Advocate for the appellant
Mr. Phasate, AGP for the State
Ms P.V. Ganediwala, Advocate along with Mr. P.R. Agrawal,
Advocate for the respondent No.1/applicant

CORAM: VINAY JOSHI AND ABHAY J. MANTRI, JJ.
DATED : 15/10/2024.

1 Heard.

2 By this application, the applicant is seeking permission to withdraw the compensation which has been deposited by the acquiring body in view of the Award passed by the Competent Authority under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3 Initially the Land Acquisition Officer has awarded compensation @ Rs.10,30,000/- per hector. According to claimant, the compensation should have been granted @ Rs.30,000/- per square meter. Having regard to the evidence, coupled with the documents, the Appellate Tribunal has fixed the compensation @ Rs.2,100/- per sq. meter.

4 The learned counsel for claimant apart from merit, would

submit that appeal is not maintainable, since the provision for condonation of delay would not apply.

5 Having regard to the nature of evidence and after going through the impugned judgment, we deem it appropriate to permit the claimant to withdraw 50% of the amount with accrued interest, on usual undertaking and next 25% amount along with accrued interest, if any, on furnishing solvent surety or bank guarantee in the like amount on usual terms and conditions.

6 Civil Application is accordingly **allowed and disposed of.**

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)