



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 4613 OF 2023
IN FAST/11137/2023

THE EXECUTIVE ENGINEER, L.I.D. OSMANABAD, AND OTHERS

VERSUS

LIMBRAJ SHANKAR KUTE

...

Mr. Patil Ruturaj C., Advocate For Applicants
Ms. Sakshi Kale, Advocate h/f Mr. A. B. Kale, Advocate For
Respondent/Sole

...

WITH

CIVIL APPLICATION NO. 3172 OF 2025 IN FAST/11137/2023

WITH

CIVIL APPLICATION NO. 3171 OF 2025 IN FAST/11184/2023

WITH

CIVIL APPLICATION NO. 3173 OF 2025 IN FAST/11181/2023

WITH

CIVIL APPLICATION NO. 4614 OF 2023 IN FAST/11137/2023

WITH

CIVIL APPLICATION NO. 4615 OF 2023 IN FAST/11181/2023

WITH

CIVIL APPLICATION NO. 4616 OF 2023 IN FAST/11181/2023

WITH

CIVIL APPLICATION NO. 4617 OF 2023 IN FAST/11184/2023

WITH

CIVIL APPLICATION NO. 4618 OF 2023 IN FAST/11184/2023

WITH

CIVIL APPLICATION NO. 4619 OF 2023 IN FAST/11187/2023

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CORUM : ROHIT W. JOSHI, J.

DATE : 4th APRIL, 2025

ORDER :

1. These are Civil applications filed seeking condonation of delay in filing appeals under Section 54 of the Land Acquisition Act. The delay is more than 1900 days in all these matters. The delay is sought to be explained by stating that the corporation has to contest many land acquisition cases in which the land acquisition proceedings have come to an end long before and therefore, making budgetary provisions and obtaining sanctions and completing other formalities consumes a lot of time.

2. Having regard to the contents of the application, and assuming the same to be correct, in my considered opinion the delay of five years and above cannot be condoned for such reasons.

3. However, the learned counsel for the applicant states that the learned reference Court has erred in awarding interest from the date of possession instead of awarding interest from the date of award passed by the Land Acquisition Officer under Section 11 of the Act and that this issue is being considered in several first appeals. He states that delay of near about same period is condoned in several such cases.

4. In that view of the matter, although the delay is inordinate, I am inclined to condone the delay, however, subject to payment of cost of Rs. 5000/- in every matter. Cost be deposited within a period of twelve weeks from today.

5. In view of the fact that the challenge in the appeal is restricted to the date from which payment of interest should be computed and the enhancement granted by the learned reference Court is not in dispute, it will be expedient in the interest of justice to permit applicants/land owners to withdraw 75% of the amount deposited on furnishing usual undertaking.

6. Put the appeals for admission after the costs are paid.

[ROHIT W. JOSHI]
JUDGE

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