

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9541 OF 2025
IN
WRIT PETITION NO.782 OF 2016

Gail (India) Ltd. ... Applicant (Orig. Resp. No.1)

Vs.

Rupaliben Vallabbhai Patkar
and others ... Respondents

In the matter between:

Rupaliben Vallabbhai Patkar ... Petitioner

Vs.

Gail (India) Ltd. and others ... Respondents

Mr. A. R. Bamne a/w. Ms. Divya Bamne i/b. M/s. A. R. Bamne & Co. for Applicant.

Mr. Girish Agrawal (through VC) for Petitioner.

Dr. Sanjay Jain a/w. Mr. Aayush Kedia a/w. Ms. Gargi Warunjikar for Respondent No.2.

Mr. Ashish Mehta a/w. Ms. Shrishti Shahi i/b. Mr. Ashish Mehta for Respondent No.3 - Union of India.

**CORAM : MANISH PITALE &
MANJUSHA DESHPANDE, JJ.
DATE : NOVEMBER 26, 2025**

P.C. :

. On 18.11.2025, when this application was taken up for consideration, the following order was passed:-

“ This is an application moved by respondent No.1 i.e. the authority for the benefit of whom, the acquisition of land was undertaken. The said applicant (respondent No.1) states that with passage of time, the purpose for acquisition has been frustrated and therefore, the applicant itself is praying for cancellation of acquisition and consequential direction to respondent No.2 to refund the amount of compensation along with accrued interest.

2. While the learned counsel for the petitioner is present in Court, there is no representation on behalf of respondent No.2.

3. Considering the nature of prayers made in the present application, we are of the opinion that the presence of respondent No.2 is necessary. We are further informed that the learned advocate, who was representing the respondent No.2, has been elevated as Judge of this Court and now Advocate Thool represents the said respondent.

4. In that light, the learned counsel for the applicant (respondent No.2) shall inform the advocate now representing respondent No.2 about the next date of listing of this application, so that the application as well as the writ petition can be disposed of.

5. List on 26.11.2025, to be included in the supplementary list.”

2. Today, respondent No.2 is represented by learned counsel, who submits that even if amount is to be refunded, accrued interest thereon can be paid to the applicant (original respondent No.1) only if interest is actually earned upon the same. It is further submitted on behalf of the respondent No.2 that even if this application is to be allowed and land is retained in favour of the petitioner, it should be clarified that the petitioner will not have any claim towards compensation / damages against the respondent No.2.

3. Learned counsel for the petitioner submits that since the land would be free from acquisition, the petitioner would not raise any claim towards compensation / damages against the respondents, including respondent No.2.

4. In the light of the stand taken by respondent No.1 i.e. the authority for whose benefit the subject land was to be acquired, we find that this application can be allowed and consequentially, the writ petition itself can be disposed of.

5. In view of the above, the application is allowed in terms of prayer

clause (a). As regards prayer clause (b), it is directed that respondent No.2 shall refund the amount of Rs.5,98,290/- along with accrued interest, if any, to the applicant (original respondent No.1) within eight weeks from today.

6. Consequentially, the writ petition itself is disposed of and it is recorded that the subject land of the petitioner is now free from acquisition.

7. The application as well as the writ petition stand disposed of in above terms.

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)

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