



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

CIVIL APPLICATION (F) NO.2764 OF 2023

IN

FIRST APPEAL (ST) NO.18188 OF 2023

[The Deputy Chief Engineer ..Vs.. Nitendra Alias Jitendra
Jagdishprasad Tiwari and Ors.]

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

Court's or Judge's order

Mr N. Lambat, Advocate for the Applicant.
Mr M. M. Agnihotri, Advocate for Non-Applicant No.1.
Ms M. Naik, AGP for Non-Applicant/State.

CORAM : M. W. CHANDWANI, J.

DATE : 28th MARCH, 2025.

1. Heard.
2. This is an application for condonation of delay of 495 days caused in filing the appeal under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
3. Needless to mention, in the case of *Municipal Corporation of Grater Mumbai vs. Anusaya Sitaram Devrukhkar and Ors.*, this Court has taken a view that the Court has no power to condone the delay beyond a total period of 120 days as stipulated in Section 74(1) of the Act of 2013 and Section 5 of the Limitation Act, 1963 has no application.
4. In view of the legal position, the application for condonation of delay is dismissed.

5. The claimant/respondent is permitted to withdraw the amount of compensation in terms of the award pending before this Court alongwith the accrued interest thereon. Consequently, the first appeal is also dismissed with no order as to costs.

6. Request to stay this order is refused.

JUDGE

Tambe