



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

Civil Application (F) No.3123/2023 in First Appeal St. No.18601/2023
Deputy Chief Engineer, Nagpur V Sayyad Yusuf 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. Nitin Lambat, Advocate for applicant.
Mr. A.B. Nakshane, Advocate for non-applicant no.1.
Mrs. Deshmukh, AGP for non-applicant nos.2 and 3.

CORAM : Nitin B. Suryawanshi &
Pravin S. Patil, JJ.

DATE : 17-02-2025.

This appeal is filed by acquiring body under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 challenging the judgment delivered by Land Acquisition Tribunal in Case No.1380/AMT/YTL/2019. Along with appeal, application for condonation of delay of 495 days is filed under Section 5 of the Limitation Act.

ii. This Court at Principal Seat in **Municipal Corporation of Grater Mumbai vs Anusaya Sitaram Devrukhkar and others** (Interim Application No.13254/2024 in First Appeal (ST) No.24058/2024 in Reference No.827/KOK/MUM(SOB)/2021 with connected matters, decided on 07-01-2025) has taken a view that High Court has no

power to condone the delay beyond a total period of 120 days as stipulated in Section 74(1) (read with its proviso) of the Act, 2013.

iii. Relying on the above judgment, this Court by order dated 20-01-2025 passed in Civil Application (CAF) No.1927/2024 in First Appeal (ST) No.8383/2024 and First Appeal (ST) No.8383/2024 has dismissed the application for condonation of delay, filed under Section 5 of the Limitation Act, by the acquiring body.

iv. For the reasons stated in the judgment in **Municipal Corporation of Greater Mumbai** (Supra), application for condonation of delay is dismissed.

v. Claimants are permitted to withdraw the amount of compensation pending before this Court, along with accrued interest thereon.

vi. Learned Counsel for applicant seeks stay to this order. For the reasons stated in the order, the request for stay is rejected.

(Pravin S. Patil, J.)

(Nitin B. Suryawanshi, J.)