



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

CIVIL APPLICATION NO. 3623 OF 2024

IN

FIRST APPEAL NO. 1000 OF 2013

(VIDC, thr its EE, Medium Project Division, Civil Lines, Nagpur Vs. Smt. Chandrakala w/o Fuldas Mahant
and ors)

AND

CIVIL APPLICATION NO. 3624 OF 2024

IN

FIRST APPEAL NO. 1001 OF 2013

(VIDC, thr its EE, Medium Project Division, Civil Lines, Nagpur Vs. Hiralal s/o Gulabrao Bhaiswar and ors)

AND

CIVIL APPLICATION NO. 3625 OF 2024

IN

FIRST APPEAL NO. 1002 OF 2013

(VIDC, thr its EE, Medium Project Division, Civil Lines, Nagpur Vs. Ramesh s/o Gulabrao Bhaiswar and ors)

AND

CIVIL APPLICATION NO. 3626 OF 2024

IN

FIRST APPEAL NO. 1038 OF 2013

(VIDC, thr its EE, Medium Project Division, Civil Lines, Nagpur Vs. Avinash s/o Gulabrao Bhaiswar and ors)

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

Court's or Judge's orders

Mr. J.B. Kasat, Advocate for appellant.
Dr. R.S. Sirpurkar, Advocate for the claimant.
Mr. M.A. Kadu, AGP for respondent Nos. 2 and 3.

CORAM : ABHAY J. MANTRI, J.

DATED : 28-07-2025

Heard learned counsel for the claimants as well as the acquiring body. Mr. M.A. Kadu, learned AGP, appears for respondent Nos. 2 and 3. Appellant Executive Engineer, Nagpur Irrigation Division (North), Nagpur, has appeared in the Court in person.

2. Learned counsel for appellant has tendered across the bar an affidavit executed by the Executive Engineer and submitted that the appellant has made correspondence with the State Government, respondent Nos. 2 and 3, for payment of the compensation amount to the claimants. He has pointed out the communications dated 08.04.2025, 31.05.2025, 27.06.2025, 01.07.2025 and 24.07.2025 and

submitted that despite said communications, the respondent No. 2 – State Government has allocated only amount of Rs. 19,64,893/- towards part compensation for ‘Chikhali Nala project’ and therefore, the appellant is ready to deposit Rs. 19,64,893/- in this Court for disbursement, it is for the counsel for claimants to inform as to whom the said amount is to be paid.

3. In response, learned counsel for claimants vehemently resisted and submitted that it is the statutory duty of the respondents to arrange the payment of compensation within the stipulated time. Lack of funds cannot be a ground for non-payment of compensation, and therefore, she has urged that contempt proceedings be initiated against the concerned officer.

4. On perusal of the affidavit as well as Annexure along with it, it appears that since 27.06.2025, the appellant has made correspondence with the Additional Chief Secretary, Water Resources Department, Mantralaya, Mumbai. Despite the said correspondence, no response has been received from them to the appellant.

5. It further appears that by orders dated 18.06.2025 and 18.07.2025, this Court has specifically directed the respondents to deposit the interest amount in this Court within one week and make a statement as to how much time is required them to deposit the remaining amount, failing which, this Court will be constrained to issue summons against the concerned officer. The correspondence on record indicates that the appellant corresponded with the Additional Chief Secretary, Water Resources Department; however, till date, they have not responded nor allocated the funds in favour of the appellant to satisfy the Award.

6. Learned counsel for the claimants submitted that Rs. 19,64,893/- be disbursed in favour of the claimant in First Appeal No. 1001/2013 towards part compensation/interest amount. As such, the appellant is directed to deposit Rs. 19,64,893/- in this Court by 04.08.2025. Failing this, this Court will be constrained to take necessary action against the concerned officer, who will be held responsible for non-compliance with the order. It is pertinent to note that the appellant has appeared through its Executive Engineer in the Court and taken the note.

7. Having considered the above discussion, the respondent, i.e., the State of Maharashtra/Addl. Chief Secretary of the Water Resources Department is directed to allocate the amount claimed by the appellant in respect of the '*Chikhali Nala Project*'. Failing this, this Court will be constrained to issue a summons to secure the presence of the concerned officer before the Court or to respond to the communications received by it. The respondents are directed to comply with this order within four weeks; failing to do so, necessary action as stated above will be initiated.

8. On encashment of the amount, on deposit of the cheque of Rs. 19,64,893/- by the appellant in this Court, the claimant in First Appeal No. 1001/2013 is permitted to withdraw the same.

9. List the matter on 25.08.2025 for further orders.

(ABHAY J. MANTRI, J.)