



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

CIVIL APPLICATION (CAF) NO. 2273 OF 2025

IN

FIRST APPEAL NO. 909 OF 2012 (D)

Vidharbha Irrigation Development Corporation through its Executive
Engineer, Bembala Project Division Yavatmal

Versus

Naresh S/o Samirmal Kotecha and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vinay Dahat, Advocate for the appellant.

Shri G.S.Umale, AGP for the respondent nos. 2 and 3/State.

Shri D.A.Sonwane, Advocate for the respondent no. 1.

**CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATED : 18th JULY, 2025.

This Court by an order dated 4th December, 2024 permitted respondent no.1 to withdraw amount subject to furnishing an undertaking. However, in the meantime, appellant filed pursis on record dated 7th April, 2025 stating that amount of Rs.20,43,975/- requested to be refunded to them as per the final judgment dated 22nd December, 2020 passed by this Court. The same was objected by respondent no.1 by present application.

2. According to respondent no.1 though the judgment of reference Court was modified by this Court, it is clarify that amount of

Rs.1,85,000/- towards difference of compensation for Awala trees was directed to be refunded to appellant. It is nowhere stated in the final order that, there should be recalculation of entire amount and then difference of compensation be refunded to appellant.

3. Per contra, it is the submission of appellant that as this Court by modifying the reference Court order, rate of Awala tree has been fixed of Rs.2710/- per tree, the entire calculation is required to be done in the matter.

4. However, from the perusal of judgment of this Court, it is clear that amount of Rs.15,35,000/- awarded by reference Court has been reduced to Rs.13,55,000/- and directed to respondent no.1 to refund Rs.1,85,000/- only towards difference of compensation.

5. In this background, appellant seeks two weeks time to take appropriate steps in the matter and willing to file application for clarification of judgment dated 22nd December, 2020.

6. Hence, time is granted as prayed.

7. List the matter on **1st August, 2025.**

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]