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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**4 CIVIL APPLICATION NO. 14472 OF 2023
IN FAST/24661/2023**

(for Condonation of Delay)

TAPI IRRIGATION DEVELOPMENT CORPORATION JALGAON AND ANR

VERSUS

1 BHIMRAO HIRAMAN SONAWANE AND ORS

WITH

**CIVIL APPLICATION NO. 14473 OF 2023
IN FAST/24661/2023**

(for Stay)

WITH

**CIVIL APPLICATION NO. 3628 OF 2026
IN FAST/24661/2023**

(for Withdrawal of Amount)

Mr. Ajay D. Pawar, Advocate for the applicants-Acquiring Body.

Mr. P.H. Patil and Mr. R.H. Patil, Advocate for the respondents-claimants.

Mr. V.K. Kotecha, AGP for the respondent-State.

**CORAM : KISHORE C. SANT &
SUSHIL M. GHODESWAR, JJ.**

DATE : 26.03.2026

PC :-

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. Learned Advocate Mr.Patil informs that he has already received instructions to appear for all the respondents. Considering the same, the Civil Application is ready for hearing.

02. This application is filed seeking condonation of delay of 339 days caused in filing the appeal. The applicant is an acquiring body, who has filed appeal challenging judgment and award passed by the Reference Court in LAR No. 251 of 2015.

03. The application is strongly opposed by the learned Advocate for the respondents.

04. However, for the reasons stated in the application, this Court is satisfied that a case is made out to condone the delay caused in filing the appeal.

05. The application, therefore, stands allowed and disposed off. Delay stands condoned. Office to register the First Appeal.

FIRST APPEAL

01. Issue notice to the respondents. Learned Advocate Mr. Patil waives notice for respondents-claimants and learned AGP waives service of notice for respondent-State.

02. Call for record and proceeding. The parties to move this Court for final disposal of the appeal at the stage of admission after receipt of record and proceeding. Parties are at liberty to prepare paper book and furnish copy of the same to this Court.

CIVIL APPLICATION FOR STAY

01. The appellant-Acquiring Body has deposited the amount as per earlier order, which is approximately 75% of the amount awarded by the learned Reference Court.

02. Considering the above, there shall be stay to the impugned judgment and award dated 15.07.2021 passed by the learned Civil Judge, Senior Division, Jalgaon in LAR No. 251 of 2015.

03. The Civil Application for stay stands disposed off.

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT.

01. This application is filed by the applicants-claimants seeking withdrawal of the amount deposited in this Court by the heirs of the

applicant-claimant.

02. Learned Advocate for the Acquiring Body Mr. Pawar places reliance on an order passed by this Court in CA No. 1765 of 2021 arising from the same acquisition proceeding for the same project, wherein this Court had granted stay on depositing 50% amount as per the award. He further submits that this Court in those cases has subsequently allowed the claimants therein to withdraw entire amount deposited in this Court. He thus submits that in the present case also entire amount need not be allowed to be withdrawn. There is case made out on merit to show that the compensation is awarded at exorbitant rate. The SLAO awarded Rs. 2,53,000/- per Hectare, which is enhanced to Rs. 75,30,000/-, observing that the land is having NA potential. He submits that no NA permission is granted.

03. Learned Advocate for the applicants-claimants submits that the properties acquired are situated in the vicinity of Erandol Municipal Council limits, having NA potential. Considering that aspect, learned Reference Court has passed the award. The applicants-claimants are also intending to file cross-objection seeking enhancement in the amount of award.

04. Learned Advocate Mr. Pawar submits that total amount of award is Rs.6,52,78,976/-. Out of deposited amount of Rs. 3,37,22,477/- in the Reference Court, an amount of Rs. 1,17,73,200/- is already withdrawn by the applicants. He further submits that to make out 75% amount of award, the appellant has deposited amount of Rs. 4,89,59,232/- in the office of this Court. 50% of the amount of award would come to Rs. 3,26,39,488/- and thus if the applicants are permitted to withdraw Rs. 2,08,66,288/-, it would make out 50% of the total amount of award

05. However, considering that the enhancement is on higher side, this Court finds that entire amount deposited need not be allowed to withdraw. Considering earlier order, this Court finds it proper to allow this application to withdraw the amount of Rs. 2,08,66,288/-.

06. Considering the above, this application for withdrawal of amount is allowed. The applicants are permitted to withdraw an amount of Rs.2,08,66,288/- (Rupees Two Crore Eight Lakhs Sixty Six Thousand Two Hundred Eighty Eight) along with accrued interest, on furnishing usual undertaking to this Court. The undertaking be filed before the

learned Registrar (Judicial) of this Court. The remaining amount shall be kept in the fixed deposit of any nationalized bank, to be renewed periodically from time to time, till disposal of the appeal.

07. The Civil Application for withdrawal of amount is accordingly allowed and stands disposed off.

[SUSHIL M. GHODESWAR, J.]

[KISHORE C. SANT, J.]