Vivekanand

VIVEKANAND RAJENDRA BONDE
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Date: 2026.10.14 18:45:18 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 20641 OF 2023
WITH
INTERIM APPLICATION NO. 18156 OF 2023
WITH
INTERIM APPLICATION NO. 18155 OF 2023
WITH
INTERIM APPLICATION NO. 8072 OF 2026

The Commissioner, Nashik
Municipal Corporation, Nashik … Appellant

V/s.

Dnyaneshwar Popat Pawar And Ors. … Respondents

Ms. Chaitali Deshmukh a/w Mr. Vikas More, for the appellant/applicant.

Mr. A. R. Patil, Additional G. P., for the Respondent/State & Applicant in IA(st)/29798/2026.

Mr. Vivek Salunke, for the Respondent No. 1 & Applicant in IA/8072/2026 and IA/8074/2026.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2026

P.C.:

Interim Application Nos. 18155/2023, 18152/2023, 18158/2023, 18149/2023, 18151/2023, 18153/2023, 18167/2023, 18162/2023, 17698/2023, 18175/2023, 18146/2023, 18171/2023, 18174/2023, 18160/2023, 17632/2023, 18168/2023.

1. For the reasons stated therein, the interim applications are allowed in terms of prayer clause (b).

2. The delay in filing first appeal is condoned.

First Appeal (St.) No. 20641/2023, 20645/2023, 20651/2023, 20660/2023, 20672/2023, 20683/2023, 20689/2023, 20693/2023, 20686/2023, 20637/2023, 20655/2023, 20665/2023, 20697/2023, 20702/2023, 20709/2023, 20715/2023.

3. Admit.

4. Appellant to file paper book in the lead matter before the next date of hearing.

5. List these appeals for **"final hearing"** on **8 December 2026** at the Bottom of Board.

Interim Application Nos. 8072/2026, 8073/2026, 8077/2026, 8078/2026, 8061/2026, 8062/2026, 8074/2026, 8075/2026, 29790/2026, 29791/2026, 29798/2026, 29802/2026, 29810/2026, 29811/2026, 29816/2026,

6. It is pointed out that the Reference Court has determined the market value of the acquired land on the basis of the judgment delivered by it in a connected matter. It is submitted out that the rate awarded in the present matter is lower than the rate awarded in the Land Reference Award concerning similarly situated lands, after making deductions on account of certain adverse factors. The record, therefore, indicates that the acquiring body has not deposited the entire amount payable under the impugned award.

7. The record indicates that, as on 13 June 2023, the total amount payable in all these appeals was approximately Rs.19,80,84,655/-. Having regard to the passage of time, the total liability may, by now, exceed Rs.25 crores. Against this liability, the amount deposited is only about 12.5% of the total amount payable, which is substantially below 50%.

8. In view of the aforesaid circumstances, the Applicants are permitted to withdraw the amounts deposited with the Reference Court, along with accrued interest subject to their filing undertakings before this Court that, in the event the appeals are decided against them, they shall reimburse the Municipal Corporation the entire amount withdrawn by them, in accordance with the final order passed in the respective appeals.

9. The applications seeking withdrawal of the deposited amounts stand disposed of in the above terms.

10. The Reference Court shall permit each claimant to withdraw the amount deposited in the respective Land Reference proceedings, subject to compliance with the conditions stipulated above.

11. It is clarified that, in the event the appeals are not heard and decided within a reasonable period, it shall be open to the claimants to renew their request before this Court for permission to withdraw the entire amount deposited or such amount as may be found appropriate.

(AMIT BORKAR, J.)