

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5883 OF 2014

Life Insurance Corporation Of India .. Petitioner

V/s.

State of Maharashtra, Through .. Respondents
Revenue Dept and Anr

Mr. Roopdakshe Basu and Heenal Wadhwa, i/by the Law Point, for
Petitioner.

Mr. O.A. Chandurkar, Addl. G.P with Ms. M.S. Bane, AGP, for
State/Respondent Nos. 1 and 2.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 15TH APRIL 2026.

PC:

1. When this petition was called out under the caption for compliance, we were shocked to note that compliance was to be reported of an order passed more than a decade ago on 20/10/2015 by a Division Bench of this Court (Coram: A. S. Oka and V. L. Achliya JJ., as they then were). The petitioner-Life Insurance Corporation of India (LIC) filed this petition seeking a direction to Respondent No. 2, i.e. the State of Maharashtra through the Revenue Department, to appoint an arbitrator in Arbitration Case Nos. 2 and 3 of 1969. The

Division Bench of this Court took into consideration the history of the litigation and observed in the order dated 20/10/2015 as follows:

“2. We have perused the affidavit of Shri Sahebrao M. Gaikwad, the Deputy Collector (Land Acquisition) Pune. It will be necessary to make a reference to letter dated 2nd August, 2012 addressed by the learned District Judge – 5, Pune to the District Collector of Pune. It records that the Arbitration Case Nos. 2 and 3 of 1969 are pending for last 43 years. It is pointed out that lastly the Extra Joint District Judge, Pune was appointed as Arbitrator and thereafter no Arbitrator has been appointed. The letter discloses that from time to time, the District Judges at Pune were appointed as Arbitrators. Therefore, by the said letter dated 13th August, 2012, the learned District Judge – 5 requested the Collector to make appointment of an Arbitrator.

3. The letter dated 31st December 2014 annexed to the affidavit of Shri Sahebrao M. Gaikwad shows that the District Collector requested the Revenue and Forest Department of the State Government to appoint an Arbitrator under Section 37(2) of Defence Act, 1932. The Collector has stated that the Arbitrator has to be appointed by the Revenue Department.”

2. Thereupon, the Division Bench of this Court passed the following order:

“(i) We direct the State Government under the Revenue Department to nominate an Arbitrator in Arbitration Case Nos. 2 and 3 of 1969 as expeditiously as possible and in any event on or before 30th November 2015;

(ii) Advocate for the Petitioner to submit an authenticated copy of this order to the office of the Principal Secretary of the Revenue Department of the Government of Maharashtra who shall act upon the same;

(iii) Rule is made absolute on above terms;

(iv) For reporting compliance, the Petition shall be listed on 10th December 2015 under the caption for Directions.”

3. Respondent No. 2 State of Maharashtra through the Revenue Department was expected to comply with the direction contained in the above quoted portion of the order by immediately nominating an arbitrator for Arbitration Case Nos. 2 and 3 of 1969. Till date, the direction has not been complied with.

4. On the record of this petition, we find a submission of the Registrar (Judicial - II) of this Court which has recorded that after the aforementioned order was passed by the Division Bench of this Court, a Desk Officer of the Revenue and Forest Department on 05/12/2015

had called for a list of arbitrators from the Registrar General of this Court. We fail to understand as to how the said officer, in a manner of speaking, placed the onus on the Registrar General of this Court to provide a list of arbitrators to take follow up action on the aforesaid order dated 20/10/2015. Be that as it may, it appears that till date, except exchanging communications and running paper horses from one department to another, no concrete steps have been taken to comply with the aforesaid order passed more than a decade ago. It is to be noted that the petitioner LIC has sought arbitration in Arbitration Case Nos. 2 and 3 of 1969, as it is aggrieved by the determination of quantum of compensation as far back as on 09/07/1968.

5. The chronology of events in this case further shows the apathy of our system and the complete disregard on the part of all the stakeholders to put an end to the process for resolution of disputes.

6. In this situation, we are of the opinion that specific directions need to be issued so that there is compliance as regards the directions contained in the order dated 20/10/2015 in letter and spirit.

7. Since we have found that the Respondent No. 2 State through the Revenue Department has failed to show compliance for more than a decade, an appropriate follow up direction is necessary in this

petition.

8. Accordingly, a responsible officer of the LIC, i.e. Mr. S. Narayanan, Regional Manager, Western Zone, Legal, shall meet and discuss with the Collector, Pune to place before this Court a mutually agreed upon name of an arbitrator on the next date of hearing. If there is no agreement on a specific name, a panel of at least five names shall be placed before this Court on the next date of hearing. We are constrained to issue the said direction despite being conscious of Section 37(2) of the Defence of India Act, 1962, for the reason that the Respondent No. 2 State Government through the Revenue Department has miserably failed to comply with the specific direction contained in the order dated 20/10/2015.

9. The aforesaid exercise shall be complied with within one week from today.

10. List on 29th April 2026 in the supplementary list under the caption “for compliance.”

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)