

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19208 OF 2024

Rangnath Daji Aaradhi And Anr.

...Petitioners

*Versus*

The State of Maharashtra and Ors.

...Respondents

**Mr. Vineet Naik, Senior Advocate** with Mr. Sukand Kulkarni, for the Petitioners.

**Ms. Pooja Patil, AGP**, for the Respondent Nos. 1,3, 4 & 7-State.

**Mr. Nirav Shah** with Niharika Singh i/b Little & Co., for the Respondent Nos. 2 & 5-MSEDCL.

**CORAM: SUMAN SHYAM &  
SHYAM C. CHANDAK, JJ.**

**DATED: 23<sup>RD</sup> APRIL 2026.**

**PC:-**

1. Heard Mr. Vineet Naik, learned Senior Counsel appearing for the Petitioners. Also heard Mr. Nirav Shah, learned Counsel appearing for the Respondent No.2 and 5 and Ms. Pooja Patil, learned AGP appearing for the Respondents-State.

2. The core controversy in this Writ Petition pertains to the claim of the Petitioners for payment of compensation due to the damage of their mango orchards in a fire incident, which happened due to electrical short circuit. There is no dispute in this case about the fire incident or the damage caused to the mango orchards due to fire. There is also no controversy about the liability of the Respondent No.2 to pay compensation to the Petitioners on such count. The only issue, if at all, arising in this

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case for consideration, is pertaining to the question of quantum of compensation to be paid and the mode and manner of payment of the same.

3. The Petitioners have placed heavy reliance on the assessment made by the Agricultural Department ( Exh. H, page No. 68 of the Writ Petition), wherein a Committee of five officials of the Agricultural Department had verified the extent of loss and thereafter, rendered the opinion that the compensation payable would be to the extent of Rs.74,76,300/- for the damage caused to 1278 mango trees to contend that it is a case of admitted dues in view of the Report dated 5<sup>th</sup> July, 2023 available on record.

4. Mr. Nirav Shah, learned Counsel for the Respondent Nos. 2 has made an attempt to oppose the claim of the Petitioners by contending that there are several disputed questions of fact involved in this proceeding and the Petitioners have not yet filed the requisite documents in the prescribed formats.

5. Insofar as the plea of disputed question of facts is concerned, it is to be noted herein that the report dated 5<sup>th</sup> July, 2023, is an admitted document. The learned Counsel for the Respondent No.2 could not give any convincing reply, as to why, the said report submitted by the Agricultural Department at the instance of the Respondent No.2 has not been acted upon till today despite the same having been accepted by the authority. Therefore, we are not inclined to non-suit the petitioners on the plea of the Writ Petition being hit by disputed questions of fact.

6. Insofar as non furnishing of requisite documents / information in prescribed formats is concerned, we do recognize the right of the Respondent No.2 to get authentic information from the Petitioners before processing the claim for compensation.

7. Situated thus, we direct this matter to be posted again on **28<sup>th</sup> April, 2026** in the “Supplementary Board”.

8. The authorized Officer of the Respondent No.2, duly instructed in the matter, shall remain present before this Court on the next date with the relevant record, so as to answer the queries of the Court.

9. This order, however, would not preclude the parties to sit across the table, so as to work out an amicable solution to the dispute. In this process, if the Respondent No.2 wants any document/ information from the Petitioners so as to validate their claim, such information must be furnished by the Petitioners, without fail.

10. We have also taken note of the submission made by Mr. Vineet Naik, learned Senior Counsel appearing for the Petitioners that if the amount of Rs.74,76,300/- is released without any further delay, his client is willing to give up the claim of additional amount of compensation for a sum of Rs.22,77,930/-.

**(SHYAM C. CHANDAK, J.)**

**(SUMAN SHYAM, J.)**