

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

FIRST APPEAL NO.2634 OF 2021

**CITY AND INDUSTRIAL DEVELOPMENT CORPORATION
LTD., AURANGABAD THR ITS ADMINISTRATOR
VERSUS
BABANRAO HARISCHANDRA PERE AND ANR**

...

Advocate for the Appellants : Shri Bajaj Anil S.
Advocate for Respondent 1 : Shri Anand Bhandari
AGP for Respondent 2 : Shri S.G. Sangle

...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 06th December, 2021

Per Court :-

1. We had briefly heard the learned counsel for the respective sides on 03.12.2021 and today.
2. Issue notice to the respondents. Shri Bhandari, the learned advocate, causes an appearance on behalf of respondent No.1, on caveat. The learned AGP, waives service of notice on behalf of respondent No.2.
3. In the impugned judgment and award dated 06.03.2021 passed by the learned LAR Court (Coram : Shri Shankar Babu Pawar) in LAR No.187/2013, it appeared that the

learned LAR Court has granted enhancement to the tune of 66 times of the compensation granted by the Special Land Acquisition Officer (SLAO). The amount as granted by the SLAO was Rs.2,17,681/- and the amount granted by the LAR Court is Rs.4,88,10,424/-. The rate of the land was increased from Rs.7.50 per square meters to Rs.500/- per square meters.

4. Even in another case pertaining to Gat No.125 in the same area, the enhancement has been from Rs.22.50 per square meters to Rs.500/- per square meters, which is rise of about 25 times. The order is passed by the same Judicial Officer.

5. The learned advocate for the appellant/ CIDCO has placed before us the chart of 26 cases in which, the same Judicial Officer seems to have granted unprecedented rise in compensation as LAR Court. However, the details about the same are not available with him. The said chart is taken on record and marked as "X-1" for identification.

6. We, therefore, permit the learned advocate for the appellant/ CIDCO to furnish details as regards the enhancement granted by the said Judicial Officer in the cases mentioned in the chart (X-1) at Sr.Nos.3 to 26.

7. The First Appeal is ADMITTED.

8. Call for the record and proceedings from the learned LAR Court in LAR No.187/2013 decided by the learned Civil Judge, Senior Division, Aurangabad on 06.03.2021.

kps (S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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

**CIVIL APPLICATION NO.11950 OF 2021
IN
FIRST APPEAL NO.2634 OF 2021**

**CITY AND INDUSTRIAL DEVELOPMENT CORPORATION
LTD., AURANGABAD THR ITS ADMINISTRATOR
VERSUS
BABANRAO HARISCHANDRA PERE AND ANR**

...
Advocate for the Applicants : Shri Bajaj Anil S.
Advocate for Respondent 1 : Shri Anand Bhandari
AGP for Respondent 2 : Shri S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 06th December, 2021

Per Court :-

1. Issue notice to the respondents. Shri Bhandari, the learned advocate, causes an appearance on behalf of respondent No.1 on caveat. The learned AGP, waives service of notice on behalf of respondent No.2.

2. We have heard the learned counsel for the respective sides. The applicant/ CIDCO has sought stay to the impugned judgment and award dated 06.03.2021 delivered by the learned LAR Court in LAR No.187/2013.

3. The SLAO has considered the land at issue to be an irrigated land. 7/12 extract indicates that half of the land was dry land and in the remainder land, the owner had taken sugarcane crop as it was an irrigated land. The sale instance that is referred to, vide the registered sale deed dated 28.03.2012, was part of the record as Exhibit-30. The said sale deed indicated the consideration of Rs.50 lacs. As such, the rate of the land was about Rs.1 lac per R. This sale deed has not been relied upon by the LAR Court since the claimant filed the certified copy of the sale deed dated 18.02.2010 (exhibit-42) wherein, the vendor has sold 81 R dry land from Gat No.47 of village Vadadgaon for consideration of Rs.47,51,000/-, which would quantify the rate per R as Rs.58,654/-. The LAR Court has, therefore, come to the conclusion that the enhancement would be justified at the rate of Rs.1,64,230/- per R as in 2012. Consequentially, the amount of compensation granted by the SLAO at Rs.24,33,630/- was enhanced to Rs.5,31,00,506/-.

4. Considering the above and the order passed today in the First Appeal, we find that it would be appropriate to direct the applicant/ CIDCO to deposit an amount equivalent to 60% of the decreed amount, in this Court, as a condition for granting

protection to the applicant/ CIDCO until the decision in the First Appeal.

5. As such, this Civil Application is partly allowed. The applicant/ CIDCO shall deposit an amount equivalent to 60% of the decreed amount, in this Court, on or before 15.03.2022. Subject to such deposit, there shall be stay to the impugned judgment and award dated 06.03.2021 delivered by the learned LAR Court in LAR No.187/2013. Failure to deposit the said amount, would result in vacating of the interim protection without reference to the Court on 16.03.2022.

kps (S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)