

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.550/2019

(Maharashtra Industrial Development Corporation through Chief Executive Officer,
Amravati Vs. Syed Mohammad Syed Rasul and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.M.Agnihotri, Advocate for appellant.
Shri S.C.Mehadia, Advocate for respondent nos.1 to 3.
Ms. H.N.Jaipurkar, AGP for respondent no.4.

CORAM : PUSHPA V. GANEDIWALA, J.

DATE : JULY 28, 2021.

1. Heard.
2. By an order dated 25.3.2019, this Court while granting an ad-interim stay to the judgment and award dated 2.5.2014 passed in L.A.C.No.106/2002 by Civil Judge, Senior Division, Akola, directed the appellant to deposit entire amount of compensation within eight weeks. As the amount of compensation has not deposited, this Court again permitted the appellant, by way of last chance, to deposit the said amount within a period of four weeks, failing which ad-interim stay granted on 25.3.2019 shall be vacated. Till date, the appellant has not deposited decretal amount. Today, the learned counsel for the appellant seeks further time of two weeks to deposit the amount.

3. In this context, the Hon'ble Apex Court in the case of **State of Bihar and others Vs. Subhash Singh reported in (1997) 4 SCC 430**, has made observations against lackadaisical attitude of the government officials.

4. In the instant case, decretal amount has not been deposited since the date of award i.e. 5.4.2014 by the Reference Court. As per the provisions of Land Acquisition Act, the claimants would be entitled to an interest on the enhanced compensation amount @ 9% per annum for the first year and 15% per annum for the next year and subsequent years until payment. The present rate of interest for fixed deposits at any Nationalized Bank may not be more than 7% per annum. The casual attitude on the part of government officials would result in the loss to the Government exchequer. It is a loss to the public money.

5. The appellant is directed to file an affidavit mentioning the reasons as to why the amount has not been deposited inspite of sufficient time was given to it. The affidavit shall be filed within a period of two weeks.

6. Stand over after two weeks.

JUDGE