

ITEM NO.9

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 2185-2186/2017

(Arising out of impugned final judgment and order dated 26/10/2016 in FAST No. 19139/2015 27/10/2016 in FAST No. 19139/2015 26/10/2016 in CAF No. 672/2016 27/10/2016 in CAF No. 672/2016 passed by the High Court Of Bombay At Nagpur)

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION

Petitioner(s)

VERSUS

SANTOSH JANBA WARGHANE AND ANR

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and permission to file additional documents and interim relief and office report)

WITH

SLP(C) No. 2859-2860/2017

(With WITH APPLN. (S) FOR exemption from filing c/c of the impugned Judgment and exemption from filing O.T. and Interim Relief and Office Report)

SLP(C) No. 2861/2017

(With WITH APPLN. (S) FOR exemption from filing c/c of the impugned Judgment and Interim Relief and Office Report)

Date : 20/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For the appearing parties:

Mr. Shekhar Naphade, Sr. Adv.

Mr. Manish Pitale, Adv.

Mr. J.B. Kasat, Adv.

Ms. D.S. Matwankar, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. Amol Chitale, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Mr. Gaurav Agrawal, Adv.

Mr. Kishor Lambat, Adv.
Mr. Sachin Pahwa, Adv.
Mr. Sumit Siddi, Adv.
M/s. Lambat And Associates

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed
order.

(NEELAM GULATI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 4262-4263 OF 2017
(Arising out of SLP (C) Nos. 2185-2186 of 2017)

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION Appellant(s)

VERSUS

SANTOSH JANBA WARGHANE AND ANR. Respondent(s)

with

CIVIL APPEAL NO(S). 4281-82 OF 2017
(Arising out of SLP (C) Nos. 2859-2860 of 2017)

with

CIVIL APPEAL NO(S). 4283 OF 2017
(Arising out of SLP (C) No. 2861 of 2017)

O R D E R

Heard learned counsel for the parties.

Leave granted.

Vidarbha Irrigation Development Corporation
(in short 'the Corporation') being beneficiary had
deposited the amount of compensation. Obviously, it
could participate in the proceedings pertaining to the
compensation. Thus, the High Court had erred in law in
refusing the Corporation's leave to file an appeal

against the Award passed by the Reference Court. Though the Corporation could not seek reference under Section 58 of the Land Acquisition Act, 1894 as against the Award passed by the Land Acquisition Commissioner but could definitely prefer an appeal against the enhancement made by the Reference Court in the light of the decisions rendered by this Court in "Himalayan Tiles and Marble (P) Ltd. vs. Francis Victor Coutinho (Dead) By Lrs." [1980] 3 SCC 223], "Neyvely Lignite Corporation Limited vs. Special Tehsildar (Land Acquisition) Neyvely and Ors." [(1995) 1 SCC 221], "U.P. Awaz Evam Vikas Parishad vs. Gyan Devi (dead) by Lrs. & Ors." [(1995) 2 SCC 326], "Abdul Rasak & Ors. vs. Kerala Water Authority & Ors." [(2002) 3 SCC 228], "Regional Medical Research Centre, Tribals vs. Gokaran & Ors." [(2004) 13 SCC 125] and in the case of "Delhi Development Authority vs. Bhol Nath Sharma (dead) by Lrs. & Ors." [(2011) 2 SCC 54].

As such, we set aside the order of the High Court and remit the matters to the High Court with request to adjudicate the matters on merits in accordance with law.

Interim order passed by this Court shall continue till the High Court hears the matter with respect to interim arrangement.

The High Court is requested to dispose of the matter as expeditiously as possible.

The appeals are allowed. There shall be no order as to costs.

.....J.
(ARUN MISHRA)

.....J.
(S. ABDUL NAZEER)

NEW DELHI;
MARCH 20, 2017.