

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1602 OF 2016

SAMARTH SAHAKARI SAKHAR KARKHANA LTD.
THROUGH ITS MANAGING DIRECTOR
VERSUS
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioners : Mr. S.S. Tope
Advocate for respondent No.1 : Mr. S.B. Deshpande, ASG
AGP for respondent Nos.3 and 5 :Mr. N.B. Patil
Advocate for respondent No.2 : Mr. Talhar with Mr. Manorkar

CORAM : S.V. GANGAPURWALA &
K.K. SONAWANE, JJ.

DATE : 3rd May, 2016.

PER COURT:

1] Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] Mr. Tope, learned counsel submits that the award has been passed on 31st August, 2015, in respect of the land owned by the petitioner which was acquired under the National highways Act. Learned counsel for the petitioner submits that Section 105 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 has been amended. Learned counsel submits that by virtue of the said amendment, provisions of the Act of 2013 are made applicable to the acquisition under the National Highways Act as and from 1.1.2015. As such, the compensation to be paid to such acquisition would be computed as per the Act of 2013.

2] We have heard Mr. Talhar and Mr. Manorkar for the National Highways Authority.

3] It is not disputed that the land of the petitioner has been acquired under the National Highways Act and the award is passed on 31st August 2015 as per Section 3(g) of the National Highways Act. On perusal of the award it is manifest that the compensation has not been computed as per the Act of 2013. As the award has been passed after 1.1.2015, compensation even in respect of acquisition under the National Highways Act has to be computed as per the Act of 2013. It is submitted that the amount under the award is already received by the petitioner. Naturally, the amount already paid will have to be adjusted while calculating the difference of the amount of compensation to be paid .

4] In the result, we pass the following order :-

[a] Respondent authority shall re-determine the amount of compensation payable to the petitioner for the land acquired vide award dated 31st August,2015, as per the Act of 2013. The difference of the amount shall be paid to the petitioner, after adjusting the amount already paid.

[b] The said exercise would be done expeditiously by the respondents, preferably within six months.

[c] Writ petition is accordingly disposed of. No costs..

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-