

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4686 OF 2015

H. V. Technologies Pvt. Ltd.,
Through,
The Managing Director,
Nikhil Rajendra More

.. **Petitioner**

Versus

Union of India,
Through Secretary,
The Ministry of Road Transport and
High Ways, New Delhi and others

.. **Respondents**

Shri Milind Patil, Advocate for the Petitioner.
Shri S. B. Deshpande, A. S. G. for Respondent No. 1.
Shri Deepak S. Manorkar, Advocate for Respondent No. 2

CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 16TH AUGUST, 2016.

PER COURT :-

1. Mr. Patil, the learned counsel for the Petitioner on instructions states that, he would restrict the petition to the extent that the Respondents shall undertake the valuation of the structures of the writ land and that the compensation of the acquired property should be paid as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. According to the learned counsel, subsequently the remeasurement has been done and in the remeasurement the structures standing on the land of the Petitioner acquired has been shown.

2. Mr. Manorkar, the learned counsel for Respondent No. 2 submits that, amendment to apply the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was made applicable on 3rd April, 2015. The award is passed on 14th January, 2015, however, the said amendment is made applicable with effect from 1st January, 2015. As such the award is passed without

considering the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the purpose of compensation. According to the learned counsel, the compensation would be given in respect of land acquired and structures as standing.

3. We have considered the submissions.

4. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to the extent of computing the compensation amount is made applicable for the acquisition under the National Highways Act with effect from 1st January, 2015. The award is passed on 14th January, 2015. The Petitioner certainly would be entitled for the benefit of the said amendment and the applicability of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. In light of that, the award to the extent of computing the compensation amount to the extent of Petitioner is quashed and set aside. The Respondents shall calculate the compensation amount payable to the Petitioner as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Respondents shall also consider the structures as are shown in the joint measurement. Naturally, the Respondents will be bound to pay the compensation of the said structures as per the valuation arrived at.

6. The Writ Petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]