

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1154/2019

Madhukar S/o Ramlu Chintanwar

..Vs..

Sarpanch, Grampanchayat, Ashti, Tah. Chamorshi, Distt. Gadchiroli 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 R.D. Dharmadhikari, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATE : 15.2.2019.

Heard.

Award passed by the reference Court under Section 18 of the Land Acquisition Act, 1894 awarding enhanced compensation in favour of the present petitioner was challenged by the respondent Grampanchayat before this Court in first appeal. During pendency of the first appeal, this Court had stayed the execution of the award on condition of deposit of amount by the Grampanchayat. The Grampanchayat had deposited 50% of the amount before the reference Court and 50% amount with the Registry of this Court. By order dated 18th July, 2007 this Court permitted the petitioner to withdraw 50% of the amount on furnishing security to the satisfaction of the Registrar (J.) of this Court, and to withdraw the remaining 50% of the amount on furnishing bank guarantee of any nationalized bank. According to the petitioner, he had

withdrawn 50% of the amount on furnishing security to the satisfaction of the Registrar (J.) of this Court and then this amount was deposited by him in nationalized bank and bank guarantee was obtained for withdrawal of the remaining 50% amount. The first appeal filed by the Grampanchayat came to be dismissed. After dismissal of the first appeal the petitioner filed application before the reference Court contending that the amount which he kept in nationalized bank in fixed deposit to obtain bank guarantee fetched interest at the rate of 9% per annum only, but as per the award he is entitled for interest at the rate of 15% per annum. The petitioner further prayed that the Grampanchayat be directed to pay additional amount to the petitioner quantifying the loss of interest. The petitioner further prayed that the amount spent by the petitioner for renewing the bank guarantee during the pendency of the appeal should also be reimbursed to him by the Grampanchayat. The reference Court has dismissed this application of the petitioner by the impugned order.

The contentions of the petitioner cannot be accepted. Grampanchayat deposited the amount of award with the reference Court and with the Registry of this Court and on deposit of the amount, liability of Grampanchayat to pay interest after that date came to an end. This Court had not imposed the condition of furnishing bank guarantee on the petitioner on objection of the Grampanchayat. This Court felt that there should be some security for recovery of the amount from the

petitioner in case Grampanchayat succeeded in the appeal filed by it and, therefore, the condition of furnishing bank guarantee was imposed on the petitioner. In such circumstances, the Grampanchayat cannot be penalized by directing it to pay the additional amount towards alleged loss of interest by the petitioner and the expenditure which the petitioner is required to keep the bank guarantee alive. The reference Court has rightly rejected the application filed by the petitioner. I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.