

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

FIRST APPEAL NO. 837 OF 2016

V.I.D.C., thr. Executive Engineer Minor Irrigation Division at Washim
vs.
Mahadeo s/o Panduji Kavhar and others

Office Notes, Office Memorandum of Coram,
orders
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's

Shri. M. A. Kadu, counsel for appellant.
Shri. V. K. Paliwal, counsel for respondent No.1
Shri. S. D. Sirpurkar, AGP for respondent No.2.

CORAM : Manish Pitale J

DATED : 30.09.2019

The appellant has challenged the judgment and order passed by the Reference Court dated 09.02.2010 pertaining to grant of compensation for acquisition of land belong to respondent No.1 in village Tornala, Tah. and Dist. Washim.

2. At the outset, the learned counsel appearing for the appellant submitted that, the appellant is not challenging the quantum of compensation granted to the respondent No.1, but according to the appellant calculation of statutory benefits has been wrongly made by the Reference Court in the impugned judgment and order, as a result of which, the appellant has been directed to pay excessive amount.

3. The learned counsel for the appellant placed on record a calculation sheet showing the correct calculation of the statutory benefits, demonstrating that even if the quantum of compensation granted by the Reference Court was to be upheld, the total amount payable to the respondent No.1 would be Rs.7,50,393/-.

4. The aforesaid calculation sheet was handed over to the counsel for respondent No.1. It is submitted by the learned counsel appearing for respondent No.1 on instructions that the said respondent agrees with the calculation sheet placed on record by the appellant and that the appeal could be disposed of accordingly.

5. In view of above, the appeal is partly allowed and while upholding the quantum of compensation granted to the respondent No.1 by the Reference Court at Rs.85,000/- per hectare, the statutory benefits as calculated by the appellant are directed to be paid along with amount of compensation to the respondent No.1, which comes to Rs.7,50,393/-. As the appellant deposited amount of Rs.8,11,152/- before the Reference Court, the respondent No.1 would be permitted to withdraw Rs.7,50,393/- therefrom, and the balance amount of Rs.60,759/- is directed to be disbursed to the appellant.

6. Needless to say, the aforesaid amounts being disbursed to the respondent No.1 and the appellant by the Reference Court shall be along with accrued interest thereon.

7. The appeal is disposed of.

JUDGE

KOLHE