

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1681 OF 2019

Baburao Nivruttirao Walse

.. Petitioner

Versus

Project Director, National Highway Authority,
Nanded and others

.. Respondents

Mr. Anand V. Indrale Patil, Advocate for Petitioner.

Mr. S. B. Narwade, AGP for Respondent No. 2.

Mr. A. B. Dhongade, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
 SHRIKANT D. KULKARNI, JJ.**

DATED : 21st JANUARY, 2020.

PER COURT:-

. We have heard Mr. Patil, learned counsel for the petitioner and Mr. Dhongade, learned counsel for respondent No. 3. Though respondent No. 1 is served, none appears for respondent No. 1.

2. The writ petition is filed seeking directions to make the payment of the awarded amount to the petitioner as per the award dated 20.01.2018. During the pendency of the present writ petition the amount of compensation has been paid to the petitioner to the tune of Rs. 98,47,343/- (Rupees Ninety Eight Lakh Fourty Seven Thousand Three Hundred Fourty Three only). The said amount of compensation

is paid on 04.07.2019. According to the petitioner, the award is passed on 12.01.2018.

3. Mr. Patil, learned counsel for the petitioner submits that as per Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "Act of 2013"), the amount has to be deposited within a period of three (03) months. In the present case, the amount is paid after one year and six months.

4. Mr. Dhongade, learned counsel for respondent No. 3 submits that the petitioner has received the compensation amount. As such, no question arises about the payment of interest.

5. We have considered the submissions canvassed by the learned counsel for respective parties.

6. As per Section 80 of the Act of 2013, the parties are entitled for interest at the rate of 9% for one year after the date of possession and subsequently 15% per annum.

7. It appears that the possession notice is issued to the petitioner on 05.07.2018 meaning thereby the possession is taken after 05.07.2018.

8. Considering the above, we direct the respondents to pay interest to the petitioner at the rate of 9% per annum after lapse of three months from the date the possession has been taken till the actual payment of compensation amount. The petitioner shall file application with the respondents. The respondents shall verify the date of taking possession of the land from the petitioner and if the possession has been taken without paying compensation to the petitioner, then interest at the rate of 9% per annum shall be paid to the petitioner for a period the compensation amount is not paid to the petitioner and after lapse of three months from the date possession is taken. The respondents shall take decision upon the said application expeditiously and preferably within a period of three (03) months from the date of application.

9. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.