

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE R. N. LADDHA, J.
HELD ON 1ST AUGUST, 2021,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT AURANGABAD**

FIRST APPEAL NO.1052 OF 2007

THE STATE OF MAHARASHTRA THROUGH COLLECTOR
VERSUS
MAHADEO DNYANDEO FARTADE

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AGP for Appellant-State : Mr. A. M. Phule
Mr. Anil Atmaram Pawar, Deputy Executive Engineer,
Osmanabad Medium Project Division, Osmanabad
Advocate for Respondent-claimant : Mr. K. J. Ghute Patil

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ORDER

This appeal is placed before today's Lok Adalat with the consent of the parties.

2. Mr. Anil Atmaram Pawar, Deputy Executive Engineer, Osmanabad Medium Project Division, Osmanabad for the Acquiring Body/State and learned AGP for the appellant-State, are present. The respondent-claimant is represented by Advocate Mr. K. J. Ghutte Patil.

3. The learned AGP for appellant-State/Acquiring Body and learned counsel for respondent-claimant fairly conceded that the Government of Maharashtra, vide Government Resolution No. Sankirna-2014/pra.kra.4/Bham-1/A-4, dated 3rd November, 2016 with Government Corrigendum, dated 23rd February, 2017 and 13th August, 2018 to the said Government Resolution, took decision to settle the appeal by accepting the market rates determined by the Reference Court, which are within the parameters set out in the Government Resolution. The statement made by the both the learned Advocates is in consonance with the recitals in the Government Resolution. In turn, this appeal is fit to dispose of before the Lok Adalat.

4. The learned Advocates for both the parties further submit that as far as the interest U/s. 28 and 34 of the Land Acquisition Act, 1894 (for short, "Act") awarded by the SLAO as well as Reference Court shall be as per verdict by the Full Bench in the case of *State of Maharashtra vs. Kailash Shiva Rangari, 2016 (4) ALL MR 513* and the Hon'ble Single Judge in the case of *State of Maharashtra vs. Ramesh Tukaram Meshram – 2018 (1) ALL MR 645*. In turn, they submit that the impugned Award may be modified to that extent as far as interest is concerned.

5. Having considered the legal position ruled in both the aforesaid Judgments, the impugned Award may be modified, if required. The interest shall be calculated, if required, as per these two Judgments.

6. The Acquiring Body/State shall deposit the amount of compensation as per modified Award within six months from the date of this order. The learned Advocate for both the parties further submit fairly that the amount shall not carry interest which would be deposited within period of six months. The statement is accepted. However, it is clarified, if the amount is deposited after six months, then it shall carry the interest in terms of Section 28 or 34 of the Act, as the case may be.

7. The learned Advocates for both the parties further made submission on the point of amount deposited. As far as the amount, if any, already deposited and withdrawn fully by the respondent-claimant then nothing survives in respect of said amount.

8. The amount deposited in this Court and not withdrawn or which would be deposited in terms of this compromise be transmitted to the concerned Reference Court with further directions to disburse the said amount to the claimant in the terms of this Award and excess amount, if any, to the Acquiring Body/State.

9. The original claimant is at liberty to make appropriate application for withdrawal before the Reference Court. If the amount in terms of compromise above is not deposited within six months, the claimant is at liberty to file Execution Proceeding before the Reference Court.
10. The bank guarantee/security/surety, if any, given by the claimant be released in favour of the claimant.
11. The Appeal stands disposed of. The Award be prepared in terms of this order.
12. The Civil Application/s, if any, except the application to bring on record legal heirs and the cross objections, stand/s disposed of.
13. The Court Fee Certificate be issued as per the Rules.

(K. C. Sant)
Advocate
Member

(V. B. Mantri)
District Judge (Retd.)
Member

(R. N. LADDHA, J.)
Head of the Panel

Date : 01.08.2021.
Place : Aurangabad.

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