

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE R. N. LADDHA,
HELD ON 01.08.2021,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD**

FIRST APPEAL (ST.) NO.2076 OF 2017

**EXECUTIVE ENGINEER, LOWER DUDHNA PROJECT DIVISION SAILU
NOW JALNA IRRI. DIV. JALNA AND OTHERS
VERSUS
SHRI PRAKASH SADASHIV BARIDE**

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Advocate for Appellant : Shri B. R. Surwase
AGP for State : Shri A. M. Phule
Advocate for Respondent : Shri Sagar V. Patil /
Shri Nandkishor Pahare Patil

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ORDER

1. The matter is not on board. After mentioning, taken on board.
2. These appeals are placed before today's Lok Adalat with the consent of the parties.
3. The learned AGP for the Acquiring Body/State and the claimants 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 Corrigendums dated 23rd February, 2017 and 13th August, 2018 to the said Government Resolution, took decision to settle the appeals 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, these appeals are 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/s stands modified. 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 advocates 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 the 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 respondents – claimants, then nothing survives.

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 claimants in the terms of this Award and excess amount, if any, to the Acquiring Body.

9. The applicants are 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 claimants are at liberty to file Execution Proceeding before the Reference Court.

10. The bank guarantee / security / surety, if any, given by the claimants be released in favour of the claimants.

11. The appeals stand disposed of. The Award be prepared in terms of this order.

12. The Civil Applications, if any, except the application to bring on record legal heirs and the cross objections, stand disposed of.

13. The Court Fee Certificate be issued as per the Rules.

(K. C. SANT)
Advocate,
Member

(V. B. MANTRI)
D.J. (Retd.),
Member

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

SVH