

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE R. G. AVACHAT, J.
HELD ON 25th SEPTEMBER, 2021
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT AURANGABAD**

**CIVIL APPLICATION NO.1390 OF 2017 IN FAST/27836/2016
WITH CA/1391/2017 IN FAST/27836/2016**

THE MAHARASHTRA KRUSHNA VALEY DEVELOPMENT CORPORATION,
THR THE EXE ENGINEER IRRIGATION PROJECT
VERSUS
SHIVANAND GANPATI JAGDALE AND OTHERS

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Advocate for Applicant / Appellant acquiring body : Mr. A.M. Gaikwad
AGP for State : Mr. A.M. Phule

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ORDER

Not on board. Mentioned. Upon mentioning taken on board.

2. With consent of the parties, application for condonation of delay is allowed.

3. The learned counsel for the Acquiring Body and learned A.G.P for State 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 is in consonance with the recitals in the Government Resolution. In turn, this Appeal is fit to be disposed of in the Lok Adalat.

4. The learned Advocate further submits that as far as the interest as per Section 28 and 34 of the Land Acquisition Act, 1894 (for short "Act") awarded by the S.L.A.O. 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** .

5. All the three claimants are before this Court. They concede that interest has wrongly been awarded. They agree to dispose of this appeal in terms of the aforesaid judgment.

6. In view of above, the First Appeal stands disposed of. However, the term in the impugned award, granting interest from the date of notification under Section 4 of the Act is withdrawn with direction to pay interest from the date of award i.e. 15th September, 2005. The amount in terms of this Award be deposited before the reference Court within a period of six months from today.

7. The Civil Application/s, if any, except the application to bring on record legal heirs and the cross objections, stand/s disposed of.

(**S.P. Brahme**)
Advocate
Member

(**S.G. Shete**)
District Judge (Retd.)
Member

(**R. G. AVACHAT, J.**)
Head of the Panel

Date : 25.09.2021.
Place : Aurangabad.