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IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.137/2012

THE EXECUTIVE ENGINEER,
WORKS DIVISION VII (NH)
PWD, PANAJI-GOA.

...APPELLANT

Versus

WINDEMERE INVESTMENT PVT. LTD.
Salgaonkar House of Dr. Francisco
Luis Gomes Road, Vasco-da-Gama,
Goa 403 802.

...RESPONDENT

**Ms. Sulekha Kamat, Additional Government Advocate for the
Appellant-State.**

Mr. A. D. Bhobe, Advocate for the Respondent.

**WITH
CROSS OBJECTIONS NO.6/2013
IN
FIRST APPEAL NO.137/2012**

WINDEMERE INVESTMENT PVT. LTD.
Salgaonkar House of Dr. Francisco
Luis Gomes Road, Vasco-da-Gama,
Goa 403 802.

...CROSS-OBJECTOR

Versus

THE EXECUTIVE ENGINEER,
WORKS DIVISION VII (NH)
PWD, PANAJI-GOA.

...RESPONDENT

Mr. A. D. Bhobe, Advocate for the Cross-Objector.

Ms. Sulekha Kamat, Additional Government Advocate for the Respondent-State.

CORAM: M. S. SONAK, J.

DATED: 18th January 2022

JUDGMENT:

1. Heard Ms. Sulekha Kamat, learned Additional Government Advocate for the appellant-State and Mr. Ashwin Bhobe for the respondent-claimant.

2. Learned counsel for the parties agree that the issues involved in this appeal are almost identical to the issues involved in First Appeal No.136/2012 and Cross-objections No.5/2013. Mr. Bhobe pointed out that in First Appeal No.136/2012 and Cross-objections No.5/2013 the length of the rubble stone wall was about 181 meters whereas in the present case, the length of the rubble stone wall is 1050 meters. He submitted that this is the only variable feature in the two matters.

3. Therefore, by adopting the reasoning in the Judgment and Order dated 18.01.2022 disposing of First Appeal No.136/2012 and Cross-objections No.5/2013, First Appeal No.137/2012 will have to be dismissed and Cross-objections No.6/2013 will have to be partly allowed by awarding compensation of ₹1,31,250/- in respect of the rubble stone wall.

There is no case made out to award any additional compensation towards the trees, particularly, because the evidence on this aspect is quite sketchy if not non-existent.

4. Therefore, by adopting the reasoning in the Judgment and Order dated 18.01.2022 disposing of First Appeal No.136/2012, First Appeal No.137/2012 is hereby dismissed. The Cross-objections No.6/2013 are partly allowed and an additional compensation of ₹1,31,250/- is awarded to the respondent-claimant. The statutory benefits awarded in the impugned Judgment and Award are not interfered with.

5. The Appeal and the Cross-objections are therefore disposed of in the aforesaid terms. There shall be no order as to costs.

M. S. SONAK, J.