

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO. 152 OF 2021
IN
FIRST APPEAL NO. 332 OF 2003**

SANTOSH SHIVAJI NADKARNI
(DEC) THR. LRS. ... APPLICANTS
VS
THE MANAGING DIRECTOR, GOA
IDC AND ANR ... RESPONDENTS

Mr. R.G. Ramani, Senior Advocate with Mr. Pranav Kakodkar,
Advocate for the Applicants.
Mr. H.D. Naik, *Advocate for Respondent No. 1.*

**CORAM: MANISH PITALE &
R. N. LADDHA, JJ.**

DATED: 4th MARCH 2022.

P.C.:

1. By this Application, the applicants (original claimants) have sought withdrawal of the awarded amount, deposited by the respondent no. 1 in this Court alongwith accrued interest. It is also claimed by the applicants that under the provisions of the Land Acquisition Act, they are entitled to interest at the rate of 15% per annum till actual disbursal of the amount. This aspect is contested on behalf of the respondent no. 1 by stating that since the said respondent has deposited the awarded amount in this Court, during the pendency of the Appeals, no further liability can be foisted on the said respondent.

2. In the facts and circumstances of the present case, prayer clause (a) of the Application can be granted immediately. The applicants have stated about their shares of the awarded amount in paragraph 8 of the Application. There is no inter se dispute between the applicants, insofar as their shares are concerned. Therefore, the Registry is directed to disburse the amount lying in this Court alongwith accrued interest to the applicants in terms of the shares specified in paragraph 8 of the Application.

3. Insofar as prayer clause (b) is concerned, the learned Registrar (Judicial) of this Court shall inquire into the matter by considering the claim of the applicants towards entitlement of interest at the rate of 15% per annum on the awarded amount, for determining the quantum, after hearing the learned Counsel for the applicants and the learned Counsel for the respondents. The learned Registrar (Judicial) shall submit a report to this Court within four weeks from today.

4. List this Application for further consideration on 08.04.2022, for hearing the parties insofar as prayer clause (b) of the Application is concerned.

R. N. LADDHA, J.

MANISH PITALE, J.