

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE KISHORE C. SANT,
HELD ON 09.09.2023
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD.

39 FIRST APPEAL NO.547 OF 2012
WITH CA/10224/2023 IN FA/547/2012
THE STATE OF MAHARASHTRA THR COLLECTOR OSMANABAD
VERSUS
BALU @ BALASAHEB NARAYAN DESHMUKH AND ANR
AND
40 FIRST APPEAL NO.550 OF 2012
WITH CA/10219/2023 IN FA/550/2012
THE STATE OF MAH THR. COLLECTOR, OSMANABAD
VERSUS
VASANT NARAYAN DESHMUKH AND ANR

Mr.A.M. Phule, AGP for the appellant/State.
Mr.R.A. Tambe, Advocate for the acquiring body.
Mr.A.T. Ghute, Advocate for the claimants.
Mr.C.R. Patil, Sub-Divisional Engineer, Tawarja Project.

ORDER
[09th September, 2023]

01. These appeals are placed before today's Lok Adalat with the consent of the parties.
02. Mr. C.R. Patil, Sub-Divisional Engineer, Tawarja Project is present on behalf of the Acquiring Body/State. The claimants are represented by Advocate Mr. A.T. Ghute.

03. The learned Advocates for the Acquiring Body/State and the claimants fairly conceded that the Government of Maharashtra vide Government Resolution No. Sankirna-2014/prakra.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 appeals by accepting the market rates determined by the Reference Court, which are within parameters set out in the Government Resolution. The statement made by both the learned advocates is in consonance with the recitals in the Government Resolution. In turn, these appeals are fit to dispose off before Lok Adalat.

04. 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 to 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.

05. Having considered the legal position ruled in both the aforesaid judgments, the impugned award stands modified. The interest shall be calculated, if required, as per these two judgments.

06. The Acquiring Body/State has already deposited 25% amount of compensation in the Reference Court and the balance amount of compensation as per modified Award will be deposited within six months from the date of receipt of certified copy of award in the Reference Court. The learned Advocates for both the parties further fairly submit 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.

07. 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 either partly or fully, shall be considered at the time of final disbursement in terms of the present Award.

08. The applicants are at liberty to make appropriate application for withdrawal before the Reference Court. If the amount in the terms of compromise above is not deposited within six months, the claimants are at liberty to file Execution Proceeding before the Reference Court.

09. The appeals stand disposed off. The award be prepared in terms of this order.

10. The Civil Applications, if any, except the application to bring on record legal heirs, stand disposed off.

11. The Court Fee refund Certificate be issued as per the Rules.

[A.R. BORULKAR]

Advocate
Member

[S.G. SHETE]

District Judge (Retd.)
Member

[KISHORE C. SANT, J.]

Head of Panel