

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.

35 FIRST APPEAL NO.757 OF 2018

PANDIT TATYARAO AVCHAR
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

36 FIRST APPEAL NO.759 OF 2018

DNYNOBA RAMBHAU KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

37 FIRST APPEAL NO.760 OF 2018

PRAKASH BABANRAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

38 FIRST APPEAL NO.761 OF 2018

SHIVAJI BAJIRAO AWACHAR (DIED) THR LRS RAJEBHAU AND
ANR
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

39 FIRST APPEAL NO.762 OF 2018

VISHNU SHRIRANGRAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

40 FIRST APPEAL NO.763 OF 2018

NAGNATH BABURAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

41 FIRST APPEAL NO.764 OF 2018

GANPAT DNYANOBA KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

42 FIRST APPEAL NO.765 OF 2018

BABAN KHANDU KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

43 FIRST APPEAL NO.766 OF 2018

BHASKAR TATYARAO AVCHAR

VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

44 FIRST APPEAL NO.767 OF 2018

DNYANOBA TATYARAO AWACHAR
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

45 FIRST APPEAL NO.768 OF 2018

GAYABAI BABURAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

46 FIRST APPEAL NO.769 OF 2018

DATTA KESHAV KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

47 FIRST APPEAL NO.828 OF 2018

KAILAS RAMKISAN GORE
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

48 FIRST APPEAL NO.829 OF 2018

**BABURAO RAMBHAU KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS**

AND

49 FIRST APPEAL NO.830 OF 2018

**PRALHAD MANIKRAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS**

AND

50 FIRST APPEAL NO.831 OF 2018

**SOPAN SHRIRANGRAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS**

AND

51 FIRST APPEAL NO.832 OF 2018

**LIMBAJI RAMKISAN GORE
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS**

AND

52 FIRST APPEAL NO.833 OF 2018

**TUKARAM KHANDUJI KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS**

AND

53 FIRST APPEAL NO.834 OF 2018

MUKTABAI BABANRAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

54 FIRST APPEAL NO.835 OF 2018

VITHAL TULSIRAM AVCHAR
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

56 FIRST APPEAL NO.837 OF 2018

NAMDEO KHANDU KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

57 FIRST APPEAL NO.838 OF 2018

KASHINATH PANDURANG KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

58 FIRST APPEAL NO.839 OF 2018

GANPAT BAJIRAO AVCHAR
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

59 FIRST APPEAL NO.840 OF 2018

GANESH TATYARAO AWACHAR
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

60 FIRST APPEAL NO.841 OF 2018

GOVIND DHONDIBA GORE THR LRS DWARKABAI AND ORS
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

61 FIRST APPEAL NO.842 OF 2018

SUKHDEO DHONDIBA GORE
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

62 FIRST APPEAL NO.843 OF 2018

ANKUSH SHRIRANGRAO KADAM
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS

AND

63 FIRST APPEAL NO.479 OF 2019

**RANGNATH TULSIRAM AVCHAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

AND

65 FIRST APPEAL NO.1404 OF 2019

**GOVIND TULSIRAM AVCHAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

AND

140 FIRST APPEAL NO.758 OF 2018

**VASANT TATERAO AVCHAR
VERSUS
EXECUTIVE ENGINEER, NIMNA DHUDHANA PROJECT SELU
AND ORS**

AND

**FIRST APPEAL (ST) NO. 29951 OF 2019
WITH
CA/2261/2022**

**SUDAM KISAN AVCHAR
VERSUS
STATE OF MAHARASHTRA AND ORS**

AND

FIRST APPEAL NO. 1405 OF 2019

**KUNDALIK TULSIRAM AVCHAR (DIED) THR LRS SURAJABAI
W/O KUNDALIK AVACHAR AND ORS.**

VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
JALNA AND ORS.

...
Advocate for Appellants : Mr.Randive Sachin S.
AGP for Respondent Nos. 2 & 3/State : Mr.A.M.Phule
Advocate for Respondent No. 1 : Mr.S.G. Bhalerao
...

ORDER
(09th SEPTEMBER, 2023)

1. The Civil Application No. 2261 of 2022 in FAST No. 29951 of 2019 and First Appeal No. 1405 of 2019 are not on board. On mentioning they are taken on board.
2. These appeals are placed before today's National Lok Adalat with the consent of the parties.
3. Mr. S.B. Korke, Executive Engineer, GMIDC, Jalna, for of Acquiring Body/State is personally present today. Mr. S.G. Bhalerao, the learned Advocate on behalf of Acquiring Body/State is present. The claimants are represented by the learned Advocate Mr. S.S.Randive.
4. The learned Advocates for the Acquiring Body/State and the claimants fairly conceded that the Government of Maharashtra vide Government Resolution No. Sankirn/

2014/prk.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 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, this appeals are fit to dispose of before this National Lok Adalat.

5. The learned Advocate 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 **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.

6. Having considered the legal position ruled in both the aforesaid judgments, the impugned Awards stand modified.

The interest shall be calculated, if required as per these two judgments.

7. 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 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.

8. 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.

9. As per the compromise terms the Acquiring Body shall deposit amount of compensation within a period of 9 months from today and upon failure to deposit amount of compensation within 9 months, the claimants are entitled for interest as per the judgment in **State of Maharashtra Vs.**

Kailash Shiva Rangari (supra).

10. The appellants 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.

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 the legal heirs, stand disposed of.

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

(A.R.BORULKAR)
Member

(S.G.SHETE)
D.J. (Retd.)
Member

(KISHORE C. SANT, J.)
Head of the Panel

Date : 09.09.2023
Place : Aurangabad.

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