

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.

89 FIRST APPEAL NO.2582 OF 2010

THE STATE OF MAHARASHTRA AND ORS
VERSUS
NAMDEO LAXMAN GAIKWAD AND ORS

...

AGP for Appellants/State : Mr.A.M.Phule
Advocate for Appellants/Acquiring Body : Mr. B.R. Survase
Advocate for Respondent Nos. 1 to 4 : Mr. Swapnil S. Patunkar
(for Original Claimants)

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ORDER
(09th SEPTEMBER, 2023)

1. This appeal is placed before today's National Lok Adalat with the consent of the parties.

2. Mr. P.D.Fulwarkar, Executive Engineer, GMIDC, Jalna, for of Acquiring Body/State is personally present today. Mr. Survase, the learned Advocate on behalf of Acquiring Body/State is present. The claimants are represented by the learned Advocate Mr. Patunkar.

3. The learned Advocates for the Acquiring Body/State and the claimants fairly conceded that the Government of

Maharashtra vide Government Resolution No. Sankirn 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 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 appeal is fit to dispose of before this National Lok Adalat.

4. 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.

5. 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.

6. 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.

7. 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.

8. The awarded amount is within four (04) times deposited in this Court. 50% amount is already withdrawn by the Original Claimants. The claimants are entitled to withdraw remaining 50% amount. The Claimants have accepted that the

Reference Court has awarded interest on the amount from the date of possession, however, the claimants are ready to accept the interest from the date of actual award.

9. 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.

10. The appeal stand disposed of. The Award be prepared in terms of this order. An access amount be refunded.

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

12. 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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