

IN THE HIGH COURT OF BOMBAY AT GOA

**FIRST APPEAL NO.29 OF 2011
WITH
CROSS OBJECTION NO. 13 OF 2011**

GOA INDUSTRIAL DEVELOPMENTAppellant.
CORPORATION
VS
COMMUNIDADE OF LOUTOLIM AND ANR.Respondents.

Mr. H. D. Naik, Advocate for appellant.

Mr. S. D. Padiyar and Mr. P. Shirodkar, Advocate for the respondent no.1.

**CORAM: PRAKASH D NAIK &
BHARAT P. DESHPANDE, JJ.**

DATED: 13th October 2023

ORAL ORDER:

1. Appellant has challenged the award dated 11.8.2009 passed by District Judge-2 South Goa in Land Acquisition Case No. 65/2008. The respondent has filed cross objection No.13/2022. C
2. Appeals are pending under Section 18 and Section 30 of the Land Acquisition Act, concerning some pieces of land. Appeal No.4 of 2012 preferred by one of the rival claimant was subjected to adjudication before the Lok Adalat on 8.10.2016. The GIDC had offered as a matter of settlement compensation at the rate of Rs.400/- per sq. mt. with all statutory benefits.
3. This appeal was heard on 15th January 2021 and it was brought

to the notice of this Court that appeal filed by one rival claimant have been subjected to adjudication before the Lok Adalat. The GIDC offered compensation at a particular rate. That was accepted and accordingly award was drawn. The learned Advocate for Comunidade had submitted that if GIDC offers the same compensation the Comunidade are willing to accept it. The acceptance shall be subject to the outcome of Section 30 proceedings pending before Reference Court.

4. Mr. Naik appearing for GIDC submitted that he could not take instructions in that regard.

5. We have perused the minutes of the order passed by Lok Adalat dated 8.10.2016 in First Appeal No. 4 of 2012 wherein it was recorded as follows:

“We are informed that the appellant board has accepted the compensation to be paid at Rs.400/- per sq. mt along with all statutory benefits which is agreeable to the respondent nos.1 and 2. Accordingly, the respondent nos.1 and 2 shall be paid compensation at the rate of Rs.400/- per sq. mt with all statutory benefits. The interest accrued on the proportionate amount deposited shall also be paid to the respondent nos.1 and 2. The respondent nos.1 and 2 shall not be entitled to claim any further interest subsequent to the amount which has been deposited in the court. Excess amount, if any, to be paid to appellant GIDC. Copies of the Agenda of the meeting of the board are placed on record. First Appeal is settled on above terms.”

6. Learned counsel for the Comunidade has reiterated that if GIDC offers the same compensation, Comunidade is willing to accept it. However, the acceptance by both rival claimants before the Lok Adalat and those before this Court shall be subject to outcome of proceedings pending under Section 30 of the Land Acquisition Act before this Court.

7. It is pertinent to note that GIDC has agreed to pay compensation at the rate of Rs.400/- per sq. Mt with all statutory benefits before the Lok Adalat in respect of the property bearing common survey nos.165/1(part), 190/3(part). 190/6(part).

8. This Appeal and Cross objection can be disposed of with following order:-

ORDER

(i) Claimants be paid the compensation at the rate of Rs.400/- per sq. mt. with all statutory benefits in respect of property at the survey nos.165/1(part), 190/3(part), 190/6(part)185/4(part), 404/16(part), 406/29(part), 404/15(part), 404/17(part) and 404/18 (part).

(ii) Compensation is accepted by Comunidade subject to outcome of Section 30 proceedings pending before this Court.

(iii) Appeal and Cross objection stand disposed of.

BHARAT P. DESHPANDE, J.

PRAKASH D NAIK, J.

VINITA VIKAS NAIK

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