

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO.1370 OF 2023

Paresh Mohanlal Shah

.. Petitioner

Versus

Sub-Divisional Officer,
Bhiwandi Sub-Division,
Bhiwandi & Ors.

.. Respondents

Mr.Narayan R. Bubna for the Petitioner.

Ms.S.S. Bhende, AGP for the Respondent Nos.1 to 3.

Mr.Uttam Shukla for the Respondent Nos.4 & 5.

**CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.**

DATE : 24th April 2023

P.C.:-

. Rule. Learned counsel appearing for the Respondents waive service for respective parties. Rule is made returnable forthwith. By consent of parties, Petition is taken up for final disposal.

2. This petition is filed for seeking direction to pay full compensation to the Petitioner as per award dated 10th December 2021. The award is passed under the name of the Respondent No.4.

3. Learned counsel for the Respondent Nos.4 & 5 states that an affidavit is filed on behalf of the Respondent Nos.4 & 5 thereby consenting for releasing the amount of compensation in favour of the Petitioner. Learned counsel for the Respondent Nos.4 & 5, on instructions, makes a statement that his clients have no objection if the amount of compensation is released in favour of the Petitioner. Statements made on behalf of the Respondent Nos.4 & 5 are accepted.

4. The Petitioner has also prayed for amount of interest on the awarded amount. Learned counsel for the Petitioner states that the Petitioner is also entitled to further interest from 11th December 2021 with respect to the prayer for interest.

5. Learned AGP has placed on record a letter dated 24th April 2018. She on instructions, states that the said letter is in fact 24th April 2023, however, in view of the typographical error, the same is mentioned as 24th April 2018. She further makes a statement that pursuant to the said letter, amount of compensation shall be deposited in this Court within a period of fifteen days from today. The said letter is taken on record and the statement made by the learned AGP is accepted.

6. Learned counsel for the Respondent Nos.4 & 5, on instructions, states that the Respondent Nos.4 & 5 have no objection if the amount of interest, if any, is paid to the Petitioner. Statement made by the learned counsel on behalf of the Respondent Nos.4 & 5 is accepted.

7. In view of the affidavit filed by the Respondent Nos.4 & 5, Writ Petition can be disposed off by passing following order :-

(i) The Petitioner is at liberty to make an application for interest on the awarded amount from 11th December 2021 before the Respondent No.1 within a period of two weeks from today.

(ii) In the event, such application is made, the Respondent No.1 to decide the same within a period of eight weeks from the date of the application on its own merits.

(iii) In the event, the application is decided in favour of the Petitioner, the same will be given effect to within a period of four weeks from the date of decision.

(iv) The Respondent No.1 shall deposit the compensation amount as per award dated 10th December 2021 in this Court within a period of two weeks from today with intimation to the Petitioner simultaneously.

(v) The Registrar (Judicial) of this Court shall permit the Petitioner to withdraw the amount that will be deposited by the Respondent No.1 in this Court within a period of two weeks from the date of deposit.

(vi) In the event, decision on the application for interest is adverse to the Petitioner, the Petitioner would be at liberty to take out appropriate proceedings as permissible in law.

8. Writ Petition is disposed off. Rule is made absolute in above terms. All the parties to act on the authenticated copy of this order.

GAURI GODSE, J.

R.D. DHANUKA, J.