



IN THE NATIONAL LOK ADALAT PRESIDED OVER BY HON'BLE
SHRI JUSTICE KISORE C. SANT,
HELD ON 27.07.2024
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD.

23 CIVIL APPLICATION NO. 8810 OF 2016
IN FAST/2088/2016
WITH
CIVIL APPLICATION NO. 8793 OF 2016
IN FAST/2066/2016

WITH
CIVIL APPLICATION NO. 11170 OF 2016
IN FAST/2066/2016

WITH
CIVIL APPLICATION NO. 8802 OF 2016
IN FAST/2072/2016

WITH
CIVIL APPLICATION NO. 8801 OF 2016
IN FAST/2072/2016

WITH
CIVIL APPLICATION NO. 8804 OF 2016
IN FAST/2076/2016

WITH
CIVIL APPLICATION NO. 8805 OF 2016
IN FAST/2076/2016

WITH
CIVIL APPLICATION NO. 8807 OF 2016
IN FAST/2080/2016

WITH
CIVIL APPLICATION NO. 8808 OF 2016
IN FAST/2080/2016

WITH
CIVIL APPLICATION NO. 8788 OF 2016
IN FAST/2084/2016

WITH
CIVIL APPLICATION NO. 8787 OF 2016
IN FAST/2084/2016

WITH
CIVIL APPLICATION NO. 8811 OF 2016
IN FAST/2088/2016

WITH
CIVIL APPLICATION NO. 8796 OF 2016
IN FAST/2094/2016

WITH
CIVIL APPLICATION NO. 8795 OF 2016
IN FAST/2094/2016

THE EXECUTIVE ENGINEER, KUKADI LEFT BANK CANAL,
SUB-DIVISION, KOLWADI

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr. Rajale Gulab B.
AGP for Respondents/State : Mr. S.V. Hange
Advocate for Respondent No. 2 : Mr. Sonwane Mahesh R.

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ORDER
(27th JULY, 2024)

1. These appeals are placed before today's National Lok Adalat with the consent of the parties.

2. Mr. Mahesh Madhavrao Kulkarni, Dy. Executive Engineer, Kukadi Project, Ahmednagar for Acquiring Body/State is personally present before this National Lok Adalat, today. Mr. Rajale, learned Advocate on behalf of Acquiring Body/State is present. Learned Advocate Mr. Mahesh Sonwane is present on behalf of the Original Claimant Respondent No., 2.

3. Learned Advocate Mr. Rajale, informs that he has received instructions to withdraw the appeals as the amount enhanced by the reference Court is within four times of the amount awarded by the learned S.L.A.O. However, he has received instructions to withdraw the appeals subject to condition that the respondents are ready to give up the interest for the period from the date of actual possession till the date of award in view of the 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.

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/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 a decision to settle the appeals by accepting the market rates determined by the Reference Court, which are within the 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 of before this National Lok Adalat.

5. Learned Advocate Mr. Sonwane for Original Claimant submits that he has received instructions from his client that they are ready to give up the interest from the date of possession till the date of passing of the award. It is further informed by the Acquiring Body that the amount is already deposited with the S.L.A.O. on 30.10.2015.

6. 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 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.

7. 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.

8. If the amount of compensation is not deposited in this Court or the Reference Court, 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 conceded that the amount shall not carry interest if deposited within six months for that period only. 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.

9. 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.

10. The appellants are at liberty to make appropriate application for withdrawal of the amount before the reference Court. If the amount in the above terms of compromise is not deposited within six months, the claimants are at liberty to file execution proceeding before the reference Court.

11. The appeals stand disposed off in terms of this order. An access amount be refunded to the State, if any.

12. Delay stands condoned in respective Civil applications.

13. The pending Civil Applications, if any, stand disposed off.

14. Award be drawn up accordingly.

15. The Court fee refund certificate be issued as per the provisions under the Maharashtra Court Fees Act.

(A.B.KADETHANKAR)	(S.G.SHETE)	(KISHORE C. SANT, J.)
Member	D.J. (Retd.)	Head of the Panel
	Member	

Date : 27.07.2024.
Place : Aurangabad.

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