



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.

8 FIRST APPEAL NO. 2595 OF 2009

THE EXECUTIVE ENGINEER, LOWER TERNA LATUR
VERSUS
PANDURANG TULSHIRAM MANE AND ANR

...
Advocate for Appellant : Mr. Kalpalata Patil Bharaswadkar
AGP for Respondent/State : Mr. S.V.Hange
Advocate for Respondent No. 1 : Mr. Patil Mahesh S.
...

AND

11 FIRST APPEAL NO. 601 OF 2010

THE EXECUTIVE ENGINEER, LOWER TERNA PROJECT,
LATUR.
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Appellant : Mr. Ruturaj Patil
AGP for Respondent/State : Mr. S.V.Hange
Advocate for Respondent No. 2 : Mr. M. S. Patil
...

ORDER
(27th JULY, 2024)

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

2. Mr. Mahesh Hanumantrao Mirkale, Sub Divisional Officer, Sub Division, Majalgaon, Sub Division, Nilanga for of Acquiring Body/State is personally present alongwith learned AGP before the panel of this Lok Adalat. The claimants are represented by learned Advocate Mr. Mahesh Patil.

3. The Sub Divisional Officer, Sub Division, Majalgaon, District Beed, for the Acquiring Body 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 of the parties is in consonance with the recitals in the Government Resolution. In turn, these appeals are fit to be disposed of before the panel of this National Lok Adalat.

4. 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. If the amount of compensation is not deposited in this Court or the Reference Court, the Acquiring Body 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 which would be deposited within a period of six months for six months period. 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. 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 claimants are entitled to withdraw amount. The Claimants have accepted that the Reference Court has awarded interest on the amount from the date of possession.

9. The appellants are at liberty to make appropriate application/s 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.

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

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

12. Award be drawn up accordingly.
13. 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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