



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10760 OF 2023
IN
FIRST APPEAL NO. 252 OF 2015

Balawant s/o Rambhau Shingare (died)
through his Legal Heirs

1. Shahaji s/o. Balwant Shingare & ors.

...Applicants

Versus

The Executive Engineer Construction (Civil),
MSEDCL Mandal Vibhag, Latur & Ors.

...Respondents

.....

Mr. Kuldeep S. Patil – Advocate for the Applicants

Mr. P. B. Paithankar – Advocate for respondent no. 1

Mr. S. D. Ghayal – Addl. G. P. for respondent nos.2 and 3/State

.....

CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.

DATED : 18TH MARCH, 2024

PER COURT : -

1. This application is filed for withdrawal of the accrued interest of the compensation amount. The prayer clauses [A], [B] and [C] of the application read thus : -

“A. The civil application may please be allowed.

B. The applicant may please be allowed to withdraw the accrued interest of the compensation amount deposited by the non-applicant No. 1 i.e. Executive Engineer, MSEDCL on 05.12.2014 in this Hon’ble High Court.

C. Any other reliefs may please be granted in favour of the applicant.

2. By order dated 15.02.2024, this Court had directed the Registrar (Judicial) of this Court to submit a report about the amount of interest on Fixed Deposits payable to the Applicants herein. Accordingly, the Registrar (Judicial) submitted his report dated 26.02.2024. Same is taken on record and marked as “X” for the purpose of identification. The calculation sheet is enclosed with the said report. The said report shows the following position :

1.	Amount deposited on 08/01/2015	Rs.10,84,89,811/-
2.	Amount withdrawn by Claimant on 12/10/2017	Rs. 15,00,000/-
3.	Amount withdrawn by Claimant on 26/07/2023	Rs.10,69,89,811/-
4.	Interest Accrued on FD on 26/07/2023	Rs. 8,30,18,618/-
Compensation Calculation as per High Court's Order Dated 04 th May, 2023		
Total Enhance Compensation		Rs. 2,12,93,111/-
(A)	9% Interest for the period 16/09/1993 to 15/09/1994 (365 days)	Rs. 19,16,380/-
(B)	15% interest for the period of 16/09/1994 to 25/06/1996 (649 days)	Rs. 56,79,135/-
(C)	Excess Compensation @ 9% Interest for the period of 26/06/1996 to 25/06/1997 (365 days)	Rs. 19,16,380/-
(D)	Excess compensation @ 15% interest for the period 26/06/1997 to 08/01/2015 (Days – 6405)	Rs. 5,60,47,552/-
TOTAL COMPENSATION PAYABLE TO CLAIMANT		Rs. 8,68,52,558/-
Total amount deposited in this Court		Rs. 10,84,89,811/-
Principal amount payable to claimant		Rs. 8,68,52,558/-
Principal amount to be refund to Acquiring Body		Rs. 2,16,37,253/-

Principal amount alongwith Proportionate Interest Payable to Claimants & Acquiring Body as follow :

Particular	Principal Amount	Proportionate Interest Amount	Total Amount	Already Withdrawn Amount	Now Amount to be Paid
Claimants	8,68,52,558/-	6,64,61,350/-	15,33,13,908/-	10,84,89,811/-	4,48,24,097/-
Acquiring Body	2,16,37,253/-	1,65,57,268/-	3,81,94,521/-	--	3,81,94,521/-
Total	10,84,89,811/-	8,30,18,618/-	19,15,08,429/-	10,84,89,811/-	8,30,18,618/-

Sd/-
Section Officer"

3. Learned advocate for the Acquiring Body as well as the learned advocate for the Applicants submit that the said calculation made by the Registrar (Judicial) of this Court is agreeable to both of them.

4. In view of the above, the amount of accrued interest with the interest accrued on the respective amounts be disbursed as per the said report.

5. Civil Application is, accordingly, disposed of.

[NEERAJ P DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE