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IN THE HIGH COURT OF BOMBAY AT GOA

**FIRST APPEAL NO.48 OF 2011
WITH
CROSS OBJECTION NO.15 OF 2011**

FIRST APPEAL NO.48 OF 2011

STATE OF GOA, REP. BY EXECUTIVE
ENGINEER, WORKS DIVISION VI (R-S),
P.W.D, FATORDA, MARGAO AND ANR., ... APPELLANTS
Versus
COMMUNIDADE OF CORTALIM THROUGH
ITS SPECIAL ATTORNEY DR. PETER
CARVALHO ... RESPONDENT

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CARVALHO ... APPELLANT
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EXECUTIVE ENGINEER, WORKS DIVISION
VI (R-S), P.W.D, FATORDA, MARGAO
AND ANR., ... RESPONDENT

Ms. Susan Linhares, Additional Government Advocate for the
Appellants in First Appeal No. 48 of 2011 and for the Respondents in
Cross Objection No. 15 of 2011.

Mr. Sandesh Padiyar with Mr. Prayash Shirodkar, Advocates for the
Appellant in XOB nos. 15 of 2011.

**CORAM:- BHARAT P. DESHPANDE &
VALMIKI MENEZES, JJ.**

DATED :- 26th April, 2024

P.C.

1. Ms. Linhares, learned Additional Government Advocate
appearing for the State submits that as per the orders passed by this

Court on 09.02.2024, the Government has agreed to the rate of Rs.400/- per sq. mts. which is already approved by this Court in similar matters with regard to the same award and are decided during the Lok Adalat proceedings.

2. Ms. Linhares submits that such approval of rate is subject to administrative and financial approval, however, such approval cannot be obtained at present due to the code of conduct.

3. Mr. Padiyar, learned counsel appearing for Appellants agrees that the rate of Rs.400/- per sq.mts. could be granted with regard to the present dispute.

4. It is a matter of record that while admitting the appeal, we directed the State Government to deposit the entire compensation as awarded by the Reference Court.

5. The learned Reference Court awarded the amount of Rs. 480/- per sq.mts. Such amount is invested and lying with this Court. According to us, if the Government is now agreeing for the rate at Rs.400/- per sq.mts. and since an amount is lying with this Court, the question of asking again for administrative and financial approval is not necessary.

6. The other matters were already disposed of by way of an award passed in the Lok Adalat proceedings. Accordingly, this Court has

suggested the Government to accept the rate of Rs. 400 per sq. mts. The decision of the Government is placed on record which was taken during the meeting dated 19.03.2024

7. Accordingly, we dispose of the present appeal as well as cross objection by accepting the rate of Rs.400 per sq.mts.

8. The Respondent/Commuidade is entitled to receive the compensation at the rate of Rs.400 per sq.mts. together with the interest accrued thereon, whereas the remaining amount was about Rs.400 per sq. mts. deposited by the State shall be refunded to the State Government with accrued interest thereon. Registry is therefore directed to draw decree in the above term.

9. The parties are entitled to withdraw their respective amounts as disclosed above from the registry.

10. The First Appeal No. 48/2011 as well as cross objections No. XOB/15/2011, stands disposed of in the above terms.

VALMIKI MENEZES, J. BHARAT P. DESHPANDE, J.