

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CVIL APPLICATION NO.55/2022 IN CONTEMPT PETITION NO.219/2021 IN
WRIT PETITION NO.8423/2019 (D)

Mahendra Dhirajlal Seth .Vs. N. L. Yeotkar and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. S. Sitani, Advocate for petitioners.
Mr. A. Kathane, Advocate for respondents.

CORAM : ANIL L. PANSARE, J.
DATE : MARCH 10, 2025

Heard.

2. The petitioner is before the Court in contempt jurisdiction, in view of the order dated 27.02.2020, passed by this Court in Writ Petition No.8423/2019, directing the respondents to pay to the petitioner solatium and interest in terms of Section 23 (1-A) and (2) of the Land Acquisition Act, 1894 and interest as per proviso to Section 28 thereof, on the enhanced compensation. The Court further directed the respondents to pay the amount within three months from the date of the order. The amount has been not paid and, therefore, the contempt petition is filed. Counsel for the respondents submits that the order passed by this Court has been challenged before the Supreme Court and the Special Leave Petition is pending adjudication.

3. Counsel for the petitioner has invited my attention to the judgment passed by the Supreme Court in **Union of India and anr. Vs. Tarsem Singh and Ors. [2025 SCC OnLine SC 235]**, wherein the National Highways Authority of India (respondent No1 herein), filed miscellaneous civil application seeking clarification regarding the judgment dated 19.09.2019 passed by Supreme Court in Civil Appeal No.7064/2019, to the extent that aforementioned judgment is to be

applied prospectively. The Supreme Court vide order dated 04.02.2025, while disposing the miscellaneous civil application, held as under:

“25. In view of the foregoing analysis, we find no merit in the contentions raised by the Applicant, NHAI. We reaffirm the principles established in Tarsem Singh (supra) regarding the beneficial nature of granting 'solatium' and 'interest' while emphasising the need to avoid creating unjust classifications lacking intelligible differentia. Consequently, we deem it appropriate to dismiss the present Miscellaneous Application.

26. Leave is granted in the other connected matters, and all the appeals are disposed of with a direction to the Competent Authority to calculate the amount of 'solatium' and 'interest' in accordance with the directions issued in Tarsem Singh (supra). In this context, the appeal arising out of SLP (C) Diary No. 52538/2023 is dismissed, as the challenge therein pertains to the High Court's refusal to award Additional Market Value as another component of the compensation, while 'solatium' and 'interest' have already been granted.”

4. As could be seen, the Supreme Court has reaffirmed the principles established in *Tarsem Singh's* case regarding beneficial nature of granting solatium and interest while emphasizing the need to avoid creating unjust classification lacking intelligible differentia. The Court held that the judgment in *Tarsem Singh's* case will apply retrospectively.

5. As such, challenge to order dated 27.02.2020 is on the ground that the award having been passed under Section 3J of the National Highways Act, 1956, the same is passed in terms of the provisions of the Act of 1996 and, therefore, the aggrieved person, (like the petitioner herein), has remedy to challenge the same under Section 34 of the Act of 1996. This ground was raised before this Court as well. This Court, while dismissing the challenge, referred to judgment in the case of *Tarsen Singh's* case, which has been now clarified as regards payment of solatium and interest and rejected the

challenge. The Supreme Court, by way of clarification, has in a way, approved the finding so given by this Court.

6. In the light of above, counsel for the petitioner is seeking permission to withdraw the amount of compensation deposited by respondents - National Highways Authority of India in terms of order dated 15.03.2022 passed in Writ Petition No.8423/2019. The respondents have deposited the amount of Rs.45,08,702/-.

7. In my view, considering the development in *Tarsen Singh's* case, there appears no impediment for releasing aforesaid amount in favour of the petitioner. The application is accordingly allowed. The amount deposited by respondent along with interest, if any, shall be paid to petitioner upon furnishing usual undertaking.

8. The application is disposed of.

Contempt Petition No.219/2021

Since the purpose of filing the contempt petition is served, learned counsel for the petitioner seeks permission to withdraw the petition.

2. Permission is granted. The contempt petition is disposed of.

(Anil L. Pansare, J.)