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

CIVIL APPLICATION (F) NO. 2791/2025
IN
FIRST APPEAL NO. 909/2012

Vidarbha Irrigation Development Corporation, Yavatmal

..versus..

Naresh Kotecha & others

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

.....
Court's or Judge's orders

.....
Shri J.B. Kasat, Advocate for the Appellant(s)
Shri D.A. Sonwane, Advocate for the Respondent No. 1
Shri J.Y. Ghurde, AGP for the Respondent/State

CORAM:- M.S. JAWALKAR & RAJ D. WAKODE, JJ.
OCTOBER 17, 2025

. The present Application is filed by the Appellant for clarification of the operative Paragraph No. 3 of the judgment and order dated 22/12/2020 passed by this Court in First Appeal No. 909/2012.

(2) It is the contention of the Appellant that this Court modified the judgment of the learned Reference Court to that extent that the compensation for Awala trees be calculated at the rate of Rs. 2710/- per tree. Therefore, for 500 Awala trees, the total compensation payable to the Claimant would be Rs. 13,55,000/-. As such, the rate of Awala trees was reduced by this Court.

(3) The Appellant had deposited the total amount of Rs. 2,11,18,309/- which includes the enhanced compensation of Rs. 15,35,000/-. This

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Court, in the operative Paragraph No. 3, directed to refund the amount to the Acquiring Body towards the difference of compensation for Awala trees along with interest of 6% per annum, in case the Respondent – Claimant has withdrawn the amount of compensation.

(4) Learned Counsel for the Respondent – Claimant submitted that as the total amount of compensation was not withdrawn by the Respondent – Claimant, he will not be required to pay 6% interest to which learned Counsel for the Appellant also agrees. There are calculations filed on record by the Appellant along with Pursis dated 14/10/2025. The Appellant seeks modification of the operative Paragraph No. 3 of the judgment and order dated 22/12/2020 passed by this Court in First Appeal No. 909/2012 to include the proportionate amount of statutory benefits etc. on the amount of Rs. 1,85,000/-.

(5) Though it is claimed by the Appellant that the amount to be refunded is Rs. 20,43,975/-, after due verification and calculation, the said amount comes to Rs. 6,37,570/- to which learned Counsel for the Respondent – Claimant agrees.

(6) As such, the Application is **allowed**. We hereby clarify that the Appellant is entitled for refund of amount of Rs. 6,37,570/- along with accrued interest thereon, if any.

(7) The Respondent – Claimant is entitled for the remaining amount of compensation along with accrued interest thereon after deducting the amount of refund.

(8) Registry is directed to take necessary steps for disbursement of the amount.

(9) The Application stands **disposed of**.

(RAJ D. WAKODE, J.)

(M.S. JAWALKAR, J.)