

Orders on application filed U/Sec.47 R/W.
Sec.151 of CPC.

The JDR No.1 and 2 have filed application and stated that, in the award passed by the Learned arbitrator, the Learned Arbitrator has not specifically stated in the order, regarding payment of interest, as per Sec.72 of RFCTLARR Act, the Learned Arbitrator has awarded interest as applicable. Further it is stated that, JDR's have filed objections to main petition, and raised the above objection regarding applicability of Sec.72 of RFCTLARR Act. Further it is stated that, the JDR's unable to deposit the award amount since there is no specific order of interest. Therefore, prays this Court to pass necessary orders.

On the other hand, the Learned DHR counsel has filed objections and submitted that, application is not maintainable under the above provision. Further it is stated that, the enhancement of compensation by the Arbitrator includes interest as applicable. The NHAI already accepted the Judgment of Hon'ble Apex Court rendered in Union of India and another V/s Tarsem Singh and others in Civil Appeal No.7064/2019 dated: 19.09.2019, wherein the Hon'ble Court has held that, Sec.3(j) of NH Act, is held to be unconstitutional and violative of Article-14.

Further it is stated by the DHR that, already Hon'ble Prl District Court, Dharwad in EP.

No.439/2023 by its order dated:04.08.2025 has directed the JDR to deposit the 9% for 1st year from the date of taking over possession and 15% subsequent year to till its realization. Therefore, he prays to direct the JDR's to pay the interest at 15% in the above case.

Further, the counsel for the DHR has brought to the notice of this Court and submitted that, the Hon'ble Prl. District Court, Dharwad in EP. No.439/2023 by its order dated:04.08.2025 directed the JDR's to pay interest at the rate of 9% for one year and 15% of interest for future years if the amount is not paid within one year. The said order is already up held by the Hon'ble High Court in WP No.106413/2025 and other 16 cases, as per order dated:15.09.2025. Further it is submitted that, the Hon'ble Supreme Court up held the same.

I have gone through the memo of calculation filed by the DHR, wherein he has calculated the interest at the rate of 9% and 15% as per RFCTLARR Act.

As per Section 72 of RFCTLARR Act, the Collector has to award compensation with interest at the rate of 9% per annum from the date on which he took possession of the land for one year to the excess amount awarded till the date of payment by the authority. Provided that the award of authority

concerned may also direct that where such excess or any part thereof is paid to the authority after the date or expiry of the period of 1 year from the date on which possession is taken, interest at the rate of 15% per annum shall be payable from the date of expiry of the said period of 1 year on the amount of such excess or part thereof which has not been paid into the authority before the date of such expiry.

As per the Judgment of Hon'ble Supreme Court in Civil Appeal No. 467/2022 between National Highways Authorities of India versus Shri P. Nagaraju @ Cheluvaiah and another dated 11.07.2022, the Hon'ble Supreme Court has also discussed in detail about para 29, 30 and 31 of the Judgment of Hon'ble Supreme Court in the case of Union of India versus Tarsem Singh, wherein the Hon'ble Supreme Court has held that it is immaterial whether the land is acquired under the National Highway Act, or Land Acquisition Act, there should not be a discrimination for awarding compensation. As discussed above, the Hon'ble Supreme Court has clearly held that as per the notification dated 28.08.2015, the benefits available to the landowners under RFCTLARR Act, also to be available to the similarly placed land owners whose lands are acquired under Section 13 enactment specified in fourth schedule among which NH Act is one. Therefore Section 72 of the RFCTLARR Act, is also clearly applicable to the compensation

which is awarded for the lands which are acquired by the National Highway Authority and interest can be awarded under Section 72 of RFCTLARR Act, 2013 only. Therefore, the JDR No.2 has to pay the interest at the rate of 15% after lapse of 1 year as rightly argued by the advocate for DHR. Therefore, this Court proceed to pass the following:

ORDER

The application filed by the DHR is disposed off on the following terms.

JDR No.2 is directed to pay interest at the rate of 9% for one year and 15% of interest for future years if the amount is not paid within one year as per Sec.72 of RFCTLARR Act.

The JDR No.2 is directed to deposit the balance amount as observed above, next date of hearing since this petition is pending more than 6 months.

Call on for balance payment on 03.03.2026.

III Addl. Dist. & Sessions Judge
& Spl. Judge, Dharwad.