



**IN THE COURT OF II ADDL. DISTRICT & SESSIONS
JUDGE, AT MANDYA.**

Dated this the 12th day of August 2026.

PRESENT

Sri Hattikal Prabhu S., M.A., LL.M.
*II Addl. District & Sessions Judge,
Mandya.*

Execution No.87/2024

Decree Holder : Sri N. Lingaraju,
S/o Late Nanjunda,
Aged about 70 years,
R/at Muttapurada Hundi Village,
Kollegala Taluk.

(By Sri S.P. Swamachar, Advocate)

- Vs -

Judgment Debtor : The Spl. Land Acquisition Officer
and competent Authority,
National Highway-209,
No.37, Bairaveshwara Complex,
Appaji Nursing Home Road,
Malavalli-571 430.

(By Smt. Sandhya G.P., Advocate)

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ORDER AS TO SATISFACTION OF DECREE

This is the Execution Petition filed for enforcement of arbitral award in ಸಂಖ್ಯೆ.ಎಲ್.ಎ.ಕೂ/ಎನ್.ಹೆಚ್./209/ಸಿ.ಆರ್/15/2019-20, dated 10.08.2022 relating to land acquisition for nationalized.

2. *On behalf of Judgment Debtor it is claimed that, entire award amount is deposited and memo of calculation is filed showing the balance amount as nil.*

3. *On the other hand, advocate for Decree Holder filed memo of calculation claiming that, entire amount is not deposited.*

4. *Heard both sides and perused the material placed on record.*

5. *Now the points that would arise for determination of the court is :*

1. *Whether the Judgment Debtor established that, the award amount is fully deposited ?*

2. *What Order ?*

6. *After considering the arguments submitted from both sides, my findings on the above said points are as under :*

Point No.1 : In the **Negative**.

Point No.2 : As per final order
- for the following :

REASONS

7. **Point No.1** : Learned counsel for the Decree Holder submitted that, in the award there is direction to the Spl. LAO to pay interest under Section 72 of RFCTLARR Act and also there is a direction to pay interest at the rate of 9% p.a. Further he argued that, if the amount is deposited within one year from the order, the Spl. LAO can calculate the interest at the rate of 9% p.a. Further he submitted that, if delay is made more than one year for payment, the interest to be calculated at the rate of 15% p.a. Accordingly, he submitted that after lapse of one year he calculated the interest at the rate of 15% p.a. as contemplated in Section 72 of new LAC Act, 2013.

8. On the other hand, advocate for Judgment Debtor submitted that, in the award there is a clear direction to pay interest on the enhanced amount at the rate of 9% p.a. till entire payment. Further he submitted that, accordingly Judgment Debtor calculated the amount and already said amount is deposited.

9. It is undisputed fact that, if the amount is calculated at the rate of 9% p.a. entire amount is deposited.

10. *The limited controversy is that, whether the Spl. LAO as to calculate the interest after lapse of one year at the rate of 9% p.a. or at the rate of 15% p.a.*

11. *At this juncture, I would like to reproduce the relevant portion of the order of the collector. In its operative portion it reads as under :*

‘ಸದರಿ ಮೊತ್ತಕ್ಕೆ ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಕಂ.ಇ.152/ಭೂಸ್ವಾಭಿ/2013, ದಿನಾಂಕ:10-08-2016 ರ ಆದೇಶದಂತೆ ಪರಿಹಾರ ನಿಗದಿಪಡಿಸಿ, ಈಗಾಗಲೇ ಅರ್ಜಿದಾರರಿಗೆ ಅವಾರ್ಡ್ ಮೂಲಕ ಈಗಾಗಲೇ ಪಾವತಿಸಿರುವ ಮೊತ್ತವನ್ನು ಕಳೆದು ಉಳಿದ ಮೊತ್ತಕ್ಕೆ RFCTLARR Act Section 72 ರನ್ವಯ ಅವಾರ್ಡ್ ಅನುಮೋದನೆಯ ದಿನಾಂಕದಿಂದ ಪರಿಹಾರ ಪಾವತಿ ಮಾಡುವವರೆಗೆ 9% ಬಡ್ಡಿಯನ್ನು ಪಾವತಿಸುವಂತೆ ವಿಶೇಷ ಭೂ ಸ್ವಾಧೀನಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಗಳು, ಭಾರತ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಪ್ರಾಧಿಕಾರ, ಮಳವಳ್ಳಿ ರವರಿಗೆ ಸೂಚಿಸಿ ಆದೇಶಿಸಿದೆ.

12. *Further, I would like to reproduce Section 72 of new LAC Act, 2013. It reads as under :*

‘72. Collector may be directed to pay interest on excess compensation.

- *If the sum, which in the opinion of the Authority concerned, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Authority concerned may direct that the Collector shall pay interest on such excess at the rate of nine per cent. per annum from the date on which he took possession of the land to the date of payment of such excess into Authority:*

Provided that the award of the Authority concerned may also direct that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Authority before the date of such expiry.'

13. *On plain reading of Section 72 of new LAC Act, 2013, it is clear that, the interest to be calculated at the rate of 9% p.a. from the date of award till payment. The proviso to the Section 72 of new LAC Act, 2013, clarified that the authority may direct to calculate the interest at the rate of 15% p.a. after lapse of one year from the date of award.*

14. *As I above reproduced the order of the collector, there is a clear direction to calculate the interest at the rate of 9% p.a. till entire payment.*

15. *It is argument on behalf of the Decree Holder that, the collector ought to have directed to calculate the interest at the rate of 15% p.a. after lapse of one year. Further he argued that, even if there is no such direction if the reason of mentioning Section 72 of the Act, in the order this executing Court has to recover the amount by calculating at the rate of 15% p.a.*

16. This Court observed that, the plain reading of the award indicates that, collector awarded the interest at the rate of 9% p.a. It is also clear that, the Collector did not exercise the powers vested with him under the proviso to the Section 72 of new LAC Act. Further this Court observed that, this arbitral award is not challenged by the present Decree Holder. This arbitral award attained the finality.

17. In the recent decision reported in **2026 SCC OnLine SC 554 (Maurice W. Innis Vs. Lily Kazrooni @ Lily Arif Shaikh)**, Hon'ble Supreme Court held that, '**Executing Court cannot go behind or vary terms of decree**'.

18. In this present case on hand, the arbitrator did not choose to exercise his powers under the proviso of Section 72 of New LAC Act and for this reason this Court has come to the conclusion that, this court being executing Court cannot modify the award and cannot go behind the terms of the award. With these observations, this Court held that, the calculation made by the Judgment Debtor is found correct.

19. Further on looking to the memo of calculation filed on behalf of Judgment Debtor this Court observed that, the Judgment Debtor calculated the interest at the rate of 9% p.a. from 13.04.2017 to 09.12.2022. Further it

is clear that, from 10.12.2022 to till date of payment i.e., 27.06.2025, the interest is not deposited. Hence, the JDR has to pay interest at the rate of 9% p.a. from 10.12.2022 to 27.06.2025. With these observations I answer the **point No.1 for determination in the Negative.**

20. **Point No.2 :** In view of my discussion on point no.1 it is clear that, the Judgment Debtor has to pay interest at the rate of 9% from 10.12.2022 to 27.06.2025. Hence, it is necessary to direct the Judgment Debtor to pay balance interest amount. With these observations as I answer to the point no.2, I proceed to pass the following :

ORDER

It is held that, the calculation memo filed by the JDR dated 30.07.2026 is in accordance with award.

Further it is held that, the Judgment Debtor has to pay interest at the rate of 9% p.a. from 10.12.2022 to 27.06.2025 and accordingly the Judgment Debtor is hereby directed to deposit the balance amount and to report to the court within 15 days.

Office is directed to release the deposited amount in favour of Decree Holder if he applies, on proper identification.

*(Typed to my dictation by Stenographer-III directly on computer, corrected, signed and then pronounced by me in the Open Court, on this the **12th day of August, 2026**)*

(Hattikal Prabhu S.)
*II Addl. District & Sessions Judge,
Mandya.*