

4/8/2026.

ORDER ON MEMO OF CALCULATION

The D.Hrs. have filed memo of calculation stating that the J.Dr. has not deposited 12% of the additional market value. It has deposited only other statutory benefits.

Per contra, the J.Dr. has filed objection to the main petition as well as memo of calculation stating that the claiming of 12% additional market value by the D.Hrs. is improper and without any basis. In the statement of objections, relied on the judgment of the Hon'ble Apex Court between NHAJ and another v/s Tehal Sing and others in Misc.Appeal Diary No.2572/2020 in Civil Appeal No.7086/2019 and also Misc.Application No.1773/2021 in Civil Appeal No.7064/2019 and Review Petition (Civil) 2528/2025 in MiscApplication 1773/2021

in Civil Appeal No.7064/2019. Relying on the said judgment, the D.Hrs. are only entitled for solatium and interest as per Section 23(2) and under Section 28 of the Land Acquisition Act is applicable to NH Act, 1956. The D.Hrs. Are not entitled for 12% of the additional market value under Section 23 (1A) is not applicable to NH Act. Hence, prayed to reject the memo of calculation filed by the D.Hrs.

The J.Dr. has also filed memo of calculation. In the said memo of calculation stated that the J.Dr. has already deposited the entire award amount including the statutory benefits i.e., solatium and interest excluding 12% of the additional market value.

Heard the arguments of both the sides and both the sides have produced the citations in support of their respective arguments.

Perusal of the records shows that the D.Hrs. have filed this execution petition under Order 21 Rule 11 of the C.P.C. against the J.Dr. to recover the impugned award dated:8/12/2022 passed by the concerned Arbitrator. Perusal of the said Award shows that the Arbitrator held that the claims of the petitioners is partly allowed so far as they relate to the petitioners' land and the compensation already awarded for the lands is enhanced and fixed at Rs.500.55

per sq.mtr. and the compensation already awarded for the structures is enhanced by 50% to be paid with all statutory and consequential benefits. Further ordered that in view of Hon'ble Supreme Court order all benefits applicable with other consequential benefits be paid and compensation already paid be deducted.

The learned counsel for D.Hrs. in support of his arguments produced the judgment reported in NHA v/s Tarsem Singh and others reported in 2026 Law Suit (SC) 285 and submitted that as per Section 23(1-A) of Land Acquisition Act, the D.Hrs. are entitled for 12% of the additional market value. The learned counsel for J.Dr. by relying on the above said citations, submitted that the Hon'ble Apex Court held that as per the Land Acquisition Act, 1894, under Section 23(1-A), 12% of the additional market value is not applicable in view of judgment of the Hon'ble Apex Court. The learned counsel for J.Dr. has further submitted that the J.Dr. has deposited entire award amount including statutory benefits i.e., solatium and interest. Hence, prayed to dismiss the memo of calculation and the execution petition.

Perusal of the records shows that the J.Dr. has deposited entire award amount including

statutory benefits excluding the 12% of the additional market value before this Court and the said amount was released to the D.Hrs. As above noted judgments i.e., in in Misc.Appeal Diary No.2572/2020 in Civil Appeal No.7086/2019 and also Misc.Application No.1773/2021 in Civil Appeal No.7064/2019 and Review Petition (Civil) 2528/2025 in Misc Application 1773/2021 in Civil Appeal No.7064/2019, the Hon'ble Apex Court clarified and held that Section 23(1-A) of the Land Acquisition Act, 1894 which specifies for 12% of the additional market value is deleted and hence, the D.Hrs. are not entitled for 12% of the additional market value. Therefore, the memo of calculation filed by the D.Hrs. is rejected. As above noted, J.Dr. has already deposited the entire award amount including statutory benefits i.e., solatium and interest and hence, this petition does not survive for consideration and hence, it is disposed of.

II Addl.District & Sessions Judge,
Dharwad.