

Received on – 13/07/2012
Registered on – 14/07/2012
Decided on – 17/03/2026
Duration – 13 Years, 08 Months, 04 Days

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION,
IGATPURI, DIST. NASHIK.**

(Presiding Officer : Yashshree Marulkar)

LAND ACQUISITION REFERENCE NO. 52/2012

[CNR : MHNS290020012023]

Exh. 20



- 1) Raoji Shankar Kokane,
Age: 52 Yrs., Occu:- Agricultural,
- 2) Mahadu Shankar Kokane,
Age: 45 Yrs., Occu: Agricultural,
Both R/o. :Korapgaon,Tal. Igatpuri,
Dist. Nashik.

...Claimants

- Versus -

- 1) The Maharashtra State,
Special Land Acquisition Officer,
Vaitarna Hydroelectric Project, Nashik,
- 2) The Executive Engineer,
Vaitarna Hydroelectric Project, Nashik.

... Respondents

Appearance

Shri.T. L. Jundre, Advocate for the Claimants.

Shri. P. R. Chandrakor Advocate for Respondent no.1,

Shri. C. R. Aware the learned Advocate for Respondent no.2

Reference U/Sec. 18 of the Land Acquisition Act, 1894.**J U D G M E N T**

(Delivered on 17/03/2026)

1. This is an application under section 18 of Land Acquisition Act, 1894 of seeking enhancement of compensation in respect of the house acquired by the Land Acquisition Officer (Respondent). The Applicants had sought a reference in respect of the compensation determined by the Land Acquisition Officer, and accordingly, the said reference has been made and forwarded to this Court for adjudication.

2. The details of the acquired property may be tabulated in the following format for clarity:

Details of Acquired house properties:-

Gat No. 57, House No. 111 admeasuring constructed area 75 Square meter and 10.40 square meter Padavi, at village Korapgaon, Tal. Igatpuri, Dist. Nashik, (LAR No. 52/2012) award passed on 24/01/2004 in Land Acquisition Case No. 4/1996.

3. The present references arise out of Land Acquisition Case No. 4/1996 (Award dated 24-01-2004). The acquisition in this case relates to residential houses and adjoining open spaces

belonging to the claimants, which were acquired for the public purpose of the Vaitarna Hydroelectric Project.

Grounds raised for enhancement of compensation:

4. The grounds raised by the applicants for the claim of enhanced compensation can be summarized as follow:-

a) Inadequacy of Awarded Compensation: The compensation awarded by the Land Acquisition Officer is grossly inadequate and fails to reflect the true market value of the acquired properties.

b) Nature and Quality of Structures :The houses were not kutcha or temporary structures. They were pucca constructions, built with cement, steel, bricks, sagwan (teak) wood, and other quality materials, with some being newly constructed.

c) Improper Consideration by Land Acquisition Officer:

The Land Acquisition Officer did not adequately consider:

- The nature and quality of construction,
- The age and condition of the structures,
- The materials employed,
- The prevailing market rates of construction at the relevant time,
- Proper application of the DSR (District Schedule of Rates) method, and
- The location advantage of the village, being near Ghoti town and the Mumbai–Agra Highway.

d) Private Valuation Support: The applicants obtained a private valuation report from Architect/Valuer Pradip Madhukar Kale, which was filed in support of their claim for enhanced compensation.

e) Claim for Higher Rates and Statutory Benefits: They have specifically claimed higher per square metre rates for both

constructed area and open land, along with 12% additional amount and other statutory benefits.

Defence of the Respondents :

5. Defence of the Respondents (State and Special Land Acquisition Officer), as raised in written statement Exhibit No.10, can be summarised as follows:

a) Defence regarding valuation The Respondents contended that the compensation awarded by the Land Acquisition Officer was proper, legal and in accordance with the provisions of the Land Acquisition Act. They denied that the structures were undervalued. They submitted that the valuation was carried out on the basis of the Public Works Department D.S.R. (District Schedule of Rates) and applicable government norms. The method adopted by the Land Acquisition Officer was proper and based on official assessment. The Applicants' private valuation report was exaggerated and not reliable. It is specifically recorded that the Respondents relied upon valuation prepared through the Executive Engineer of the concerned project using official rates.

b) Objections to the private valuer's report The Respondents challenged the valuation report of Architect/Valuer Pradip Madhukar Kale on several grounds, including: That the valuation was not based strictly on D.S.R. rates but on alleged prevailing market rates. That no supporting documents such as photographs, detailed measurement notes, or D.S.R. schedules for the relevant year (2007) were produced in Court. That the valuer did not produce contemporaneous inspection notes prepared at the time of site visit. Thus, the Respondents contended that the private valuation was not trustworthy and should not be accepted.

c) Stand regarding nature of construction The Respondents denied that the acquired houses were of superior quality or recently constructed as claimed. They disputed the Applicants' assertion regarding use of cement, steel, teak wood and quality materials, and contended that the compensation already awarded was adequate.

d) Plea regarding correctness of Award The overall stand of the Respondents was that, the Award passed in Land Acquisition Case Nos. 2/2001 and 4/1996 was legal and proper. The Applicants were not entitled to any enhancement. The reference applications deserved dismissal.

In short, the defence of the Respondents was that the Land Acquisition Officer had correctly assessed the structures as per government norms, that the private valuation was inflated and unsupported by proper material, and that no further compensation was payable.

6. Following issues were framed at Exh. 13 by my learned predecessor and my findings on them are as follows for the reasons given below :

Sr. No.	ISSUES	FINDINGS
01.	Is the said land direction application filed within the time limit ?	Yes.
02.	Does the applicant prove that the remuneration paid by the Special Land Acquisition Officer is very low?	Yes.

03. Is the applicant entitled to receive additional remuneration? **Yes.**

04. What is the final order and award? **Reference is allowed.**

7. In order to discharge burden over issues, the parties have adduced oral and documentary evidence as follows :-

Evidence on behalf of the Applicants:

8. Since the houses and open lands belonging to all the house owners were acquired simultaneously for the same project, and as a common award in Land Acquisition Case Nos. 2/2001 and 4/1996 was declared on 29.07.2010 and 24.01.2004 respectively, it was agreed between the applicants and the opponents that common evidence in all the matters be recorded in Land Reference Application No. 126/2012. Accordingly, a pursis to that effect was filed.

9. On behalf of the applicants, the following oral and documentary evidence has been adduced:

Exhibit No. Description Exhibit:- Exh. 14 Deposition of Sanjay Vithoba Kokane in respect of L.R.A. No. 126/2012, Exhibit 21 Deposition of Civil Engineer Pradip Madhukar Kale, valuer of the acquired houses and open lands (Witness No. 2), in respect of L.A.R. No. 126/2012, Exhibit 19 Certified copy of the award dated 29.07.2010 declared by the Land Acquisition Officer, Exhibit 15 Valuation report of the acquired house and open land in respect of L.A.R. No. 52/2012.

10. No evidence has been adduced on behalf of the respondents.

REASONS

AS TO ISSUE NO.1:

11. On perusal of the records, including the notice issued under Section 12(2) of the Land Acquisition Act, 1894, it is observed that the claims were filed within 42 days from the date of receipt of the notice. Therefore, the land reference petition is held to be within the period of limitation.

AS TO ISSUE NO.2 :

12. The scope of enquiry under this issue is confined to examining whether the compensation awarded is inadequate.

13. It is contended by the applicants that the valuation of the acquired houses are disproportionate and inadequate. According to the applicants, the age of the houses, their utility, the nature and quality of materials used in construction, and the prevailing rate of construction as on the date of notification were not properly taken into consideration while determining the compensation. The said contention has been denied by the other side.

14. In order to establish the area, utility, and age of the houses, the petitioner has entered the witness box. On the aspect of valuation, the petitioner has examined an expert witness to demonstrate that the valuation was not properly undertaken and to establish the correct valuation.

15. The applicantd have examined Shri. Pradeep Madhukar Kale (A.W. No. 2) in support of the claim for enhancement of compensation towards the acquired houses. In his affidavit in lieu of examination-in-chief, he has stated that he is a qualified Architect and Valuation Expert. He holds a degree in Architecture and has been practicing as an Architect and Government-approved Valuer since the year 1997. He has further deposed that he possesses the requisite license to undertake valuation work and has substantial professional experience in assessing the value of immovable properties, including residential structures.

16. Shri. Pradeep Madhukar Kale (A.W. No. 2) has stated that he personally inspected the acquired houses situated at village Korapgaon, Taluka Igatpuri, District Nashik, in connection with Land Acquisition Case No. 2/2001 and Land Acquisition Case No. 4/1996. He deposed that he had initially visited the site on 30.08.2005 and thereafter again on 12.01.2011 for the purpose of inspection, measurement and valuation. According to him, he physically verified the structures, took measurements, examined the nature and quality of construction, and assessed the materials used in the buildings.

17. He has further deposed that the valuation of the acquired houses was carried out by adopting the Replacement Cost Method, taking into consideration the prevailing market rates of construction. He clarified that he assessed the cost required for reconstruction of similar structures at the relevant time and thereafter deducted depreciation by calculating the scrap value and determining

the annual rate of depreciation, thereby arriving at the net valuation of each house. He has produced valuation certificates in support of his assessment.

18. According to Shri. Pradeep Madhukar Kale (A.W. No. 2), the acquired houses were constructed with cement, steel, bricks and wooden components. He has stated that the valuation was based on the actual condition of the structures as observed during inspection and the prevailing market rates of construction materials and labour. He has further stated that the construction cost has been assessed at Rs. 7,500/- per applicable unit rate as reflected in the valuation certificates, and the final valuation has been determined after making appropriate deductions towards depreciation.

19. In his cross-examination, Shri .Pradeep Madhukar Kale (A.W. No.2) admitted that he had not produced the rough notes prepared at the time of inspection. It was suggested to him that the valuation certificate mentions wooden doors and windows without specifying the type of wood or the exact quantity in cubic feet. He has clarified that the valuation was done on the basis of prevailing market rates and overall assessment of the structure, and not strictly as per DSR rates. He denied the suggestion that he had prepared the valuation report without visiting the site. He specifically denied that the valuation was prepared in his office merely by making additions or deductions to the government valuation report.

20. The principal objection raised on behalf of the respondents is that the Section 4 notification was issued in the year

2007, whereas the valuation by Shri. Pradeep Madhukar Kale (A.W. No.2) was carried out in 2011, and therefore the condition of the houses at the time of acquisition may not have been identical to the condition at the time of inspection. However, it is pertinent to note that possession of the acquired houses was taken on 30.12.2010. After dispossession, the applicants were required to arrange alternative accommodation. In such circumstances, assessment of the replacement cost assumes significance while determining just and reasonable compensation.

21. Shri. Pradeep Madhukar Kale (A.W. No. 2) is a qualified professional and a licensed valuer. His expertise in the field of construction and valuation has not been seriously impeached in cross-examination. He has deposed that he conducted physical inspection and measurement before preparing the valuation report. Merely because the valuation was conducted after the issuance of the notification does not, by itself, render the report unreliable, particularly when the respondents have not produced complete valuation records, photographs, rate lists or detailed remarks forming the basis of their own assessment.

22. On careful scrutiny of his testimony, this Court finds that the evidence of Shri Pradeep Madhukar Kale (A.W. No.2) inspires confidence. His methodology of adopting the replacement cost method, deducting depreciation and determining the net value is a recognized mode of valuation. In the absence of convincing rebuttal evidence from the respondents, his valuation report cannot be discarded solely on technical objections. Accordingly, the

evidence of Shri. Pradeep Madhukar Kale (A.W. No. 2) deserves due weight while determining the just and adequate compensation payable to the applicants for the acquired houses.

23. Issue No. 3 arises from the conclusion under Issue No. 2 that the compensation awarded by the Special Land Acquisition Officer was inadequate. Issue No. 4 is the formulating of operative order in reference. Once inadequacy is found, the Reference Court must independently determine just, fair, and adequate compensation in accordance with the legal framework under the Land Acquisition Act, 1894 and binding judicial precedents. The obligation to ensure fair compensation is rooted in the constitutional principle that a person cannot be deprived of property without adequate compensation. The Supreme Court has held that without adequate compensation, compulsory acquisition itself cannot be sustained under law.

24. From the above evidence, I find the testimony of Shri. Pradeep Madhukar Kale (A.W. No.2) to be reliable and trustworthy of acceptance. On the basis of the oral and documentary evidence on record, it is held that the compensation awarded by the Special Land Acquisition Officer is inadequate. Hence, Issue No. 2 is answered in the affirmative.

AS TO ISSUE NO. 3:

25. This issue is consequential to the finding on Issue No. 2. Since it has been held that the compensation awarded is inadequate, a duty is cast upon the Court to determine what

constitutes just and adequate compensation. The same is to be decided on the basis of the evidence, both oral and documentary, and keeping in view the settled principles governing evaluation and determination of compensation.

Determination of Compensation for Structures

26. For houses and structures on the acquired land, the Court must evaluate compensation separately, considering: a) Nature of Construction: Type of materials (permanent, semi-permanent, temporary), quality of construction, and size. b) Replacement Cost: Cost of constructing a similar building on the date of joint survey, reflecting prevailing labour and materials costs. c) Functional Utility: The utility value of the structure, including ancillary features such as courtyards, wells, and outbuildings. These parameters, though illustrative and not exhaustive, provide a comprehensive framework to avoid under-valuation that causes injustice or over-valuation that results in windfalls. Principle of Parity and Judicially Determined Rates.

27. Once the Reference Court has judicially determined the market value of land and structures situated in a particular locality in an earlier reference arising from the same notification, the principle of parity becomes applicable. As per this principle, landowners whose properties are similarly situated and possess comparable characteristics are entitled to the same rate of compensation, provided there is no material distinction in nature, potentiality, or other relevant factors. In the absence of any substantial change in circumstances, uniformity in awarding compensation must be

maintained. It has also been consistently observed in various judicial precedents that when compensation under a particular acquisition notification has been adjudicated and determined by a competent Court, other similarly placed landholders affected by the same notification cannot be denied the benefit of the judicially determined rate, as doing so would result in discrimination and inequality.

Components Considered for Enhanced Compensation

28. In order to enable the litigants to clearly understand the manner in which the enhanced compensation has been arrived at, and the factors taken into consideration, each relevant component is discussed under separate headings hereinbelow. The corresponding components have also been distinctly reflected in the calculation table appended below for clarity and transparency.

29. After determining the rate of enhancement, the correct market value of the acquired property is ascertained. However, certain statutory components are required to be added to the said market value in accordance with law. For the clarity and understanding of the parties, those statutory components are reproduced hereinbelow, and the manner in which they affect the computation of the total compensation is illustrated in the following chart.

Component A – Market Value under Section 23(1) 29. The primary component of compensation is the market value of the acquired land as on the date of publication of notification under Section 4(1) of the Land Acquisition Act, 1894. Section 23(1) mandates that such market value shall be determined with reference to that date. The

Hon'ble Supreme Court in *Chimanlal Hargovinddas v. Special Land Acquisition Officer [(1988) 3 SCC 751]* has held that the Reference Court is required to determine the market value independently on the basis of evidence on record and is not bound by the award of the Collector. Further, in *Periyar & Pareekanni Rubbers Ltd. v. State of Kerala [(1991) 4 SCC 195]*, it was laid down that genuine and comparable sale instances proximate in time to the notification constitute the best evidence for determining market value. Therefore, once the Court finds that the claimant has proved higher comparable sale transactions, enhancement of market value is legally justified under Section 23(1).

30. The primary component of compensation is the market value of the acquired land as on the date of publication of notification under Section 4(1) of the Land Acquisition Act, 1894. Section 23(1) mandates that such market value shall be determined with reference to that date. The Hon'ble Supreme Court in *Chimanlal Hargovinddas v. Special Land Acquisition Officer [(1988) 3 SCC 751]* has held that the Reference Court is required to determine the market value independently on the basis of evidence on record and is not bound by the award of the Collector. Further, in *Periyar & Pareekanni Rubbers Ltd. v. State of Kerala [(1991) 4 SCC 195]*, it was laid down that genuine and comparable sale instances proximate in time to the notification constitute the best evidence for determining market value. Therefore, once the Court finds that the claimant has proved higher comparable sale transactions, enhancement of market value is legally justified under Section 23(1).

Component B – Additional Amount under Section 23(1A)

31. Section 23(1A) provides that in addition to market value, the Court shall award an additional amount calculated at 12% per annum on such market value from the date of publication of the notification under Section 4(1) till the date of award of the Collector or the date of taking possession, whichever is earlier. This provision is mandatory in nature. The Hon'ble Supreme Court in *Land Acquisition Officer v. Karigowda [(2010) 5 SCC 708]* has clarified that once compensation is enhanced by the Reference Court, statutory benefits under Sections 23(1A), 23(2), and 28 must necessarily follow. Therefore, upon enhancement of market value, the claimant automatically becomes entitled to the additional amount at 12% per annum for the statutory period.

Component C – Solatium under Section 23(2)

32. Under Section 23(2) of the Act, the Court shall award solatium at 30% of the market value in consideration of the compulsory nature of acquisition. Solatium is not discretionary but mandatory. The legislative intent is to compensate the landholder for the element of compulsion in acquisition. In *Land Acquisition Officer v. Karigowda [(2010) 5 SCC 708]*, the Hon'ble Supreme Court reaffirmed that once market value is enhanced, solatium at the statutory rate must also be granted on the enhanced amount. Accordingly, solatium is to be calculated at 30% on the total enhanced market value determined by the Court.

33. Section 28 empowers the Court to award interest on the excess amount determined by it over and above the sum awarded by

the Collector. The statutory rate is 9% per annum for the first year from the date of taking possession and 15% per annum thereafter till payment. The Hon'ble Supreme Court in *Sunder v. Union of India [(2001) 7 SCC 211]* has held that interest under Section 28 is payable on the entire enhanced compensation, including solatium and additional amount under Section 23(1A). Thus, once enhancement is granted, interest becomes payable on the whole enhanced sum from the date of possession until realization.

Component E– Interest on Amount Already Awarded by the Collector

34. So far as the amount originally awarded by the Collector is concerned, interest thereon is governed by Section 34 of the Act. Section 34 mandates payment of interest if the compensation is not paid or deposited before taking possession. The rate prescribed is 9% per annum for the first year and 15% per annum thereafter. In *Prem Nath Kapur v. National Fertilizers Corporation of India Ltd. [(1996) 2 SCC 71]*, the Hon'ble Supreme Court explained the distinction between Sections 28 and 34, holding that Section 34 applies to the amount awarded by the Collector, whereas Section 28 applies to the excess determined by the Court. Therefore, interest on the original award amount flows from Section 34 and is statutory in nature.

Component F – Apportionment and Payment (Sections 31 and 32)

35. Sections 31 and 32 of the Act deal with payment and deposit of compensation and its apportionment among interested persons. The Collector is required to tender payment and, in case of

dispute, deposit the amount in Court. Once enhanced compensation is determined, the Reference Court is competent to direct disbursement and apportionment. The statutory scheme ensures that the claimant receives the entire compensation along with statutory benefits without delay. The entitlement to statutory components cannot be curtailed at the stage of disbursement.

Component G – Cumulative Effect of Statutory Benefits

36. The statutory components under Sections 23(1), 23(1A), 23(2), 28, and 34 operate cumulatively and are not mutually exclusive. The Hon'ble Supreme Court in *Gurpreet Singh v. Union of India [(2006) 8 SCC 457]* clarified the manner of calculation of interest and adjustment of amounts deposited, holding that statutory benefits must be calculated in accordance with the scheme of the Act and appropriate adjustments made while computing the final payable amount. Therefore, upon enhancement of market value, the claimant is entitled to market value, additional amount, solatium, and interest in accordance with the statutory framework, subject to proper calculation and adjustment of sums already paid or deposited.

37. CONSOLIDATED COMPENSATION & INTEREST CALCULATION CHART :(Gat No. 57 House No. 111 constructed are 75 square meter along with 10.40 square meter Padavi in LAR No. 52/2012)

Sr. No.	Particulars	Calculation Formula	Amount (Rs.)
01.	Area acquired (sq. mtrs.) —	85.40	
02.	Rate per sq. mtr. fixed by Reference Court		3000

03. Market Value (A)	Area × Rate	2,56,200
04. Additional Amount u/s 23(1A) (B)	$A \times 12\% \times (\text{Period from Sec.4 to Award/Possession} \div 1 \text{ year})$ 24-01-2004 to 09/08/2005 18 moths 18 percent	46,116
05. Solatium @30% u/s 23(2) (C)	$A \times 30\%$	76,860
06. Total Compensation (D)	$A + B + C$	3,79,176
07. Amount awarded by LAO (E)	1,82,032	1,82,032
08. Enhanced Amount (F)	$D - E$	1,97,144
09. Interest u/s 28 (First Year)	$F \times 9\% \times 1 \text{ year}$ (from date of possession)	17,742
10. Interest u/s 28 (After 1 Year)	$F \times 15\% \times$ remaining period	5,61,849
11. Total Interest u/s 28 (G)	Row 9 + Row 10	5,79,591
12. Total Amount for which petitioner is entitled	$F + G$ (+ Interest u/s 34 if applicable)	7,76,735

38. In the light of the above discussion, the entitlement of each of the applicants is determined in accordance with the amounts specified in the above chart. Issue No. 3 is answered in terms of the figures stated therein. The issue no. 3 is, therefore, answered in the affirmative.

As to Issue No. 4:

39. In the light of the above discussion, and for the reasons recorded while answering Issue Nos.2 and 3 hereinabove, the references are allowed and the enhancement of compensation is granted accordingly. This issue is specifically dealt with for the purpose of endorsing and recording the reasons forming the basis of the operative order passed in the present proceeding.

As to the costs :

40. For the reasons recorded hereinabove and in view of the calculations carried out, it is held that the applicants are entitled to enhancement in compensation as determined in this reference. The present proceedings arise out of a statutory reference and not a civil suit; therefore, the reference alone is answered. In the facts of the case, no order as to costs is passed, as the statutory interest awarded is sufficient to compensate for delay in payment.

Deficit Court Fees and Directions as to Payment:

41. It is observed that in certain cases, though payment is received, the requisite court fees are not fully paid, thereby causing loss to the State exchequer.

42. Therefore, the applicants are directed to deposit the deficit court fees within 15 days from the date of this order. If the deficit court fees are paid, the same shall be duly endorsed on record. In the event the deficit court fees remain unpaid and there is no such endorsement, the Land Acquisition Officer, while making payment of the awarded amount, shall deduct the deficit court fees from the

payable compensation and remit the same to the Court. The balance amount shall thereafter be released to the applicants after such deduction.

Directions as to payment directly in bank account :

43. Section 77(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 mandates that the Collector shall pay compensation to the persons interested by tendering payment, and shall deposit the amount only in contingencies contemplated under subsection (2), namely where the persons entitled do not consent to receive it, or where there is dispute as to title or apportionment. Thus, direct payment to the landowner is the statutory rule, and deposit in Court is an exception confined to specified circumstances.

44. The provisions relating to the mode of payment are procedural in character. It is a settled principle that procedural provisions operate retrospectively unless expressly barred. Since Section 77(1) concerns the manner of disbursement and not the determination of substantive entitlement, the said provision can be applied to pending references and to earlier acquisition matters where compensation remains to be disbursed. Accordingly, even in references arising out of acquisitions initiated under earlier enactments, the mode of payment can be aligned with the procedure contemplated under the Act of 2013.

45. Further, in *Parmindar Singh v. Honey Goyal & Ors.*, [2025 SCC OnLine SC567], the Hon'ble Supreme Court emphasized

that once compensation is quantified, it should ordinarily be transferred directly into the claimant's bank account so as to avoid delay, procedural impediments, and loss of interest caused by unnecessary routing through Court. Though the said case arose from an insurance claim in a motor accident matter, the principle enunciated therein is of general application and is founded on expeditious and effective realization of adjudicated compensation.

46. Applying the aforesaid statutory mandate and judicial principle, and in order to prevent avoidable loss of interest on the awarded amount where there is no dispute as to title or apportionment, it is appropriate to direct that the enhanced compensation, after adjusting any deficit court fees if unpaid, shall be credited directly to the verified bank account of the applicant. Such a direction ensures timely disbursement and advances the object of fair compensation.

Directions as to TDS Deductions:

47. So far as directions regarding TDS are concerned, it is well settled that the interest component awarded under the Land Acquisition Act is taxable in accordance with the provisions of the Income-tax Act. However, it is often noticed that though TDS is deducted from the interest amount at the time of disbursement, the deducted amount is not properly credited against the PAN numbers of the respective claimants, thereby causing prejudice and practical difficulty in claiming credit before the Income-tax Authorities.

48. In order to avoid such anomaly and to ensure strict statutory compliance, it is necessary to reiterate the settled legal position on the point of tax as laid down by the Hon'ble Supreme Court of India in Union of India and Others v. Hari Singh and Others, decided on 15 September 2017, and in Commissioner of Income Tax v. Ghanshyam (HUF), reported in (2009) 8 SCC 412. In view of the authoritative pronouncements in the aforesaid decisions, while TDS, if otherwise legally leviable, may be deducted from the interest component strictly in accordance with the provisions of the Income-tax Act, such deduction shall be effected only after obtaining PAN details of the respective claimants and ensuring that the deducted amount is duly and correctly credited to their individual accounts with the Incometax Department.

Transmission of Reference to the Special Land Acquisition Officer

49. As the reference has been decided, the original reference along with an authenticated copy shall be sent to the Revenue Officer, i.e., the Special Land Acquisition Officer. This ensures that the officer responsible for supervision and execution of land acquisition matters is formally apprised of the decision and can take necessary action in accordance with the law.

Communication of Order to the Collector for Timely Compliance

50. Communication of the order to the Collector is also necessary to enable the Collector to comply with the award within the prescribed time frame. Sending a copy directly to the Collector helps avoid procedural delays in obtaining certified copies and ensures that compliance is properly recorded in the roznama. This

step is in addition to transmitting the decision to the Special Land Acquisition Officer, providing a dual channel for effective implementation.

Destruction of record and returning of original documents: -

51. Parties are informed about right to take back the documents. Parties are further informed about forum of appeal and limitation of appeal as compliance to Order-20 Rule-5A of The Code of Civil Procedure, 1908.

52. Hence, in answer to issue no 4, the following order is passed:

ORDER

01. The Land Acquisition Reference is allowed.
02. The applicants are held entitled amount of Rs. 7,76,335/- (Rupees Seven Lakh Seventy Six Thousand Three Hundred Thirty Five Rupees Only) determined in their Reference, together with all statutory benefits admissible under law.
03. The Collector of Nashik district shall credit the aforesaid enhanced amount directly into the verified bank account of the applicants within 60 days from the date of this award.
04. In case of default in payment within the stipulated period, the enhanced amount shall carry interest at the rate of 9% per annum for a period of one year from the date of this award, and thereafter at the rate of 15% per annum from the expiry of one year until actual realization.

05. The applicants shall furnish complete bank particulars, including the name of the bank, branch, account number and IFSC code, within the time granted for the purpose of compliance.
06. Each of the applicants shall furnish a copy of their PAN card.
07. The applicants shall deposit the deficit court fees within 15 days as per rule. In the event of failure to do so, the Collector shall deduct the said deficit court fees from the payable amount and deposit the same in Court, and thereafter remit the balance amount to the applicant.
08. The Non-applicants Special Land Acquisition Officer shall not deduct TDS from the compensation amount, solatium, and additional components. If TDS is legally leviable on the interest component, the same shall be effected strictly in accordance with the provisions of the Income-tax Act and in the light of the principles laid down by the Hon'ble Supreme Court in Union of India and Others vs. Hari Singh and Others [Civil Appeal No. 15041 of 2017, decided on 15 September 2017], and in Commissioner of Income Tax v. Ghanshyam (HUF), reported in (2009) 8 SCC 412. Deduction, if any, shall be made only after obtaining PAN details of the respective applicants and ensuring proper credit thereof.
09. The original reference along with an authenticated copy of this judgment shall be transmitted to the Revenue Officer, i.e.,

the Special Land Acquisition Officer, for necessary action and implementation in accordance with law.

10. The bank account particulars, PAN details, and all other relevant documents, if submitted by the petitioners, shall also be forwarded along with the reference to facilitate prompt compliance and disbursement of the awarded amount.
11. An authenticated copy of this judgment shall also be forwarded to the Collector of Nashik forthwith to enable timely payment of amount. Factum of this compliance shall be duly recorded in the roznama. This direction is in addition to the transmission of the decision to the Special Land Acquisition Officer, so as to ensure effective and expeditious implementation.
12. The parties to the petition are hereby informed that they shall take back the original documents as per the procedure laid down in Paragraph Nos. 524 to 528 of the Bombay High Court Civil Manual, failing which the same may be destroyed on expiry of the time frame prescribed therein.

Igatpuri.
Date : 17/03/2026

(Yashshree Marulkar)
Civil Judge Senior Division,
Igatpuri.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of Stenographer : N. S. Sabale,

Court : Civil Judge, Sr. Division, Igatpuri,

Date of Judgment/ order : 17.03.2026

Order Signed by the
Presiding Officer On : 18.03.2026

Order Uploaded on :18.03.2026