

15/6/2026.

ORDER ON MEMO OF CALCULATION

The D.Hrs. have filed memo stating that the J.Drs. have not deposited the award amount as per Section 72 of RFCTLARR Act as ordered by the Arbitrator in regard to interest and as such the J.Drs. have to deposit amount with 9% interest for one year after taking over the possession and 15% p.a. on subsequent years till its realisation. Therefore, the D.Hrs. pray to direct the J.Drs. to pay the interest at the rate of 15% p.a. till realisation after expiry of period of one year.

As could be seen from the order sheet, inspite of giving sufficient time, the J.Drs. have not filed objections to the memo of calculation but they have taken contention in the objection to the main petition that interest as contended by the D.Hrs. cannot be awarded. Hence, prayed to dismiss the main petition.

Heard both the sides.

At this stage, it is relevant to quote the decision of the Hon'ble Supreme Court of India in reported in (2022) SCC Online SC 864 between National Highways Authorities of India versus Shri P. Nagaraju @ Cheluvaiah and

another, wherein the Hon'ble Supreme Court has also discussed in detail about para 29, 30 and 31 of its Judgment 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.

Further, 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 2013 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.

The Hon'ble High Court of Karnataka, Dharwad Bench in WP No.106413/2025 (GMCP) with connected matter order dated:15/9/2025 has also elaborately discussed in regard payment of compensation and interest and held that NHAI can not after the coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Resettlement Act, 2013, contend that interest would be liable to be paid only in terms of Section 3(H)(5) of the National Highways Act, 1956. Therefore, the

objection raised by the J.Drs. as to the payment as per Section 3H(5) of NH Act 1956 is not sustainable.

Section 72 of the RFCTLARR Act which says that 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 to the date of such excess into 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 and thus Section 72 of the RFCTLARR is clearly applicable to the compensation which is awarded for the lands which are acquired by the National Highway Authority. The interest can be awarded under Section 72 of RFCTLARR Act 2013 only. Therefore the JDR has to pay the interest at the rate of 15% after lapse of 1 year.

The J.Drs are hereby directed to pay the interest at the rate of 9% p.a. for one year and

thereafter at the rate of 15% p.a. till realisation. If the J.Drs. fail to comply the order, the D.Hr is at liberty to take proper action in accordance with law.

For balance payment by 02-07-2026.

II Addl.District & Sessions Judge,
Dharwad.