

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 9 of 2024**

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RE-MANAGEMENT OF THE WATER BODIES SUCH AS
RESERVOIRS/PONDS/RIVERS/LAKES IN THE STATE OF GUJARAT, & ANR.

Versus

STATE OF GUJARAT THROUGH THE SECRETARY HOME DEPARTMENT & ORS.

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Appearance:

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1,2
MS TRUSHA PATEL SR. ADVOCATE with MS E.SHAILAJA(2671) as AMICUS
CURIAE for the Applicant(s) No. 1,2
MR KAMAL TRIVEDI LD. ADVOCATE GENERAL with MR VINAY BAIRAGRA
ASSISTANT GOVERNMENT PLEADER for the Opponent(s) No. 1
MR PRAKASH JANI, SR. ADVOCATE with G H VIRK(7392) with MR SIMRANJIT
VIRK with MS NENCY SHETH for the Opponent(s) No. 2
MR UTKARSH J DAVE(10620) for the Opponent(s) No. 3
MR P B KHAMBHOLJA(5730) for the Opponent(s) No. 4
MR SIDDHARTH H DAVE(5306) for the Opponent(s) No. 5

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***CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL***

***and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI***

Date : 17/02/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE PRANAV TRIVEDI)

In compliance of the order dated 29.11.2024 passed by this Court, the Sub-Divisional Magistrate and Deputy Collector, Vadodara has filed affidavit dated 07.02.2025 to bring on record the computation of compensation payable to the deceased and injured persons by applying the principles pertaining to computation of compensation, as provided under the Motor Vehicles Act, 1988 and by also placing reliance upon the proposition of law laid down by the Hon'ble Apex Court in the cases of ***Sarla Verma v. Delhi***

Transport Corporation reported in ***(2009) 6 SCC 121*** and in ***National Insurance Corporation Ltd., v. Pranay Sethi*** reported in ***(2017) 6 SCC 680***.

2. In the affidavit, data pertaining to calculation of compensation payable to 14 deceased persons (12 children, 2 teachers and 2 injured persons) have been given in a tabular form.

3. Upon perusal of the said affidavit, Mr. P. B. Khambholja, learned advocate appearing for respondent no. 4, namely, M/s. Kotia Projects Ltd., under instructions, makes a statement that respondent no.4 is ready and willing to pay 25% of the total amount, as computed by the Sub-Divisional Magistrate and Deputy Collector, on or before 31.03.2025 and he further requested that adequate installments may be granted to respondent no.4 to make payment of the remainder amount of compensation so computed.

4. Considering the facts and circumstances of the case and in the interest of justice, it would be appropriate to provide reasonable time to respondent no. 4 to make payment of the full amount of compensation.

5. In view of the request made by learned advocate Mr. Khambholja, the following arrangement is made so that the full

amount of compensation is made by respondent no. 4.

(1) As per the statement made by learned advocate Mr. Khambholja, the first installment of 25% of the total amount of compensation, as computed by order dated 06.02.2025, shall be deposited before the Office of District Collector, Vadodara on or before **31.03.2025**.

(2) The second installment of 25% of the amount shall be deposited before the Office of District Collector, Vadodara on or before **30.04.2025**.

(3) The third installment of 25% of the amount shall be deposited before the Office of District Collector, Vadodara on or before **30.05.2025**.

(4) The fourth and last installment of remaining 25% of amount shall be deposited before the Office of District Collector, Vadodara on or before **30.06.2025**.

5.1 It goes without saying that respondent no. 4 shall strictly adhere to the afore-stated time-line while making the deposits and shall not request for further extension of time for making the deposit. The schedule as aforesaid is as per the request made by learned

advocate appearing for respondent no. 4 and therefore, the same shall be complied with in its true spirit.

6. After the entire amount as aforesaid is deposited by respondent No.4, the District Collector, Vadodara shall undertake the process of disbursing the entire amount as per calculation of computation made by Sub-Divisional Magistrate and Deputy Collector in favour of the family members of the 14 deceased and two injured persons after following due process.

7. Registry to list the matter on **04.04.2025** at **12:30** pm so as to ascertain compliance of the deposit of the first installment as aforesaid.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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