

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CIVIL REVISION APPLICATION NO. 177 of 2024
With
R/CIVIL REVISION APPLICATION NO. 190 of 2024
With
R/CIVIL REVISION APPLICATION NO. 192 of 2024
With
R/CIVIL REVISION APPLICATION NO. 193 of 2024
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R/CIVIL REVISION APPLICATION NO. 194 of 2024
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R/CIVIL REVISION APPLICATION NO. 212 of 2024
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R/CIVIL REVISION APPLICATION NO. 215 of 2024
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R/CIVIL REVISION APPLICATION NO. 216 of 2024
With
R/CIVIL REVISION APPLICATION NO. 217 of 2024

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HEMCHANDRACHARYA NORTH GUJARAT UNIVERSITY (HNGU)

Versus

SPECIAL LAND ACQUISITION OFFICER AND DEPUTY COLLECTOR ,
PATAN & ORS.

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Appearance:

MR. NISHIT P GANDHI(6946) for the Applicant(s) No. 1
for the Opponent(s) No. 1,2,2.1,2.2,2.3,2.4,2.5,2.5.1,2.5.2,2.5.3,3,4,5

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 13/06/2024

ORAL ORDER

1. Mr. Shalin Mehta, learned Senior Counsel appearing with Mr. Nishit Gandhi, learned Advocate appearing for the applicant submitted that the learned Extra Assistant Judge, Mehsana has passed the judgment in the reference and the market value, was determined at Rs. 63 plus other statutory benefits. After the judgment, the applicant has deposited the total amount to the tune of Rs.6,92,18,961/- on 02.04.2004 and Rs.5,50,87,686/- inclusive of statutory benefits on 17.08.2004. The total amount paid was to the tune of Rs.12,43,06,647/- and out of which the claimants have already withdrawn Rs.3,96,07,819/- and remaining amount is still lying with the concerned court. The said amount is deposited as per the market value determined by the reference court to the tune of Rs.63/-. It is further submitted that first appeal was preferred

against the judgment of the reference court and the amount of compensation was reduced from Rs.63/- to Rs.60/-. Therefore, in the year 2004, the amount was already deposited and 15% interest would continue only if the amount was not deposited. When the amount was already deposited in 2004, the interest component would stop.

2. It is submitted that execution application came to be preferred by the applicant providing the calculation (page 124-125). There appears to be an error on the part of the claimant in providing the calculation and more particularly, columns 18-22, whereby, the amount claimed is 15% for the period from 10.06.2004 to 25.05.2016 and from 26.05.2016 to 30.06.2021. The claimants could not have claimed any interest and that too 15% for the period from 2004 to 2021. It is further submitted that the calculation was also provided by the applicant (page 63) as provided by the Deputy Collector, Patan. Disregarding the calculation of the applicant and accepting the erroneous calculation provided by the claimants that the learned Principal Senior Civil Judge has directed the applicant to deposit the amount, which otherwise, would not be permissible.

3. It is submitted that what remained unpaid was compensation towards 12% for 83 months which also, the applicant is not disputing. The dispute is only about claiming of 15% interest for the period from 10.06.2004 to 30.06.2021. No discussion and no reasons; simply accepting the calculation of the claimants was not in the right earnest.

4. Considered the submissions. Issue notice to the respondents

returnable on 22.07.2024.

5. Till the next date of hearing, ad-interim relief is granted in terms of paragraph 19(B). Direct Service is permitted.

SINDHU NAIR

(SANGEETA K. VISHEN,J)