

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4331 of 2022****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2022****In R/FIRST APPEAL NO. 4331 of 2022****With****R/FIRST APPEAL NO. 4332 of 2022****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2022****In R/FIRST APPEAL NO. 4332 of 2022****With****R/FIRST APPEAL NO. 4333 of 2022****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2022****In R/FIRST APPEAL NO. 4333 of 2022****With****R/FIRST APPEAL NO. 4334 of 2022****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2022****In R/FIRST APPEAL NO. 4334 of 2022**=====
OIL AND NATURAL GAS CORPORATION LTD**Versus****PATEL MULJIBHAI KHENGARBHAI**
=====

Appearance:

MR KUNAN B NAIK(3210) for the Appellant(s) No. 1

MR AV PRAJAPATI, ADVOCATE for the Defendant(s) No. 1

MR NIKUNJ KANARA, AGP for Respondent State in all the matters

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Defendant(s) No. 2
=====**CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 02/03/2023****ORAL ORDER****Order in First Appeals :-**

Heard learned Advocate Mr.Kunan Naik for the appellant, learned

Advocate Mr.A. V. Prajapati for the respondents – original Claimants and learned AGP Mr.Nikunj Kanara for the respondent State.

Admit. Learned Advocate Mr.A. V. Prajapati waives service of notice of admission for the respondents – original Claimants and learned AGP Mr.Nikunj Kanara waives service for the respondent State.

Order in Civil Applications :-

1. Heard learned Advocate Mr.Kunan Naik for the applicant, learned Advocate Mr.A. V. Prajapati for the respondents – original Claimants and learned AGP Mr.Nikunj Kanara for the respondent State.
2. Issue **Rule** returnable forthwith. Learned Advocate Mr.Prajapati for the original claimants and learned AGP Mr.Nikunj Kanara for the respondent State waive service of notice of Rule.
3. By way of these applications, the applicant – original appellant has sought for stay of implementation, operation and execution of the impugned common judgement and award dated 28.10.2021 passed by the learned Second Additional Sr. Civil Judge, Kadi (Reference Court) insofar as the judgement passed in LAR Nos.117 of 2014, 118 of 2014, 119 of 2014 and 10 of 2015.
4. Learned Advocate Mr.Kunan Naik for the applicants would rely upon an interim order passed by the Hon'ble Apex Court in SLP (C) No.27049 of 2018 and allied matters, wherein the Hon'ble Apex Court had *inter alia* stayed operation of the orders passed by this Court in similar matter insofar as the interest upon compensation, that was directed to be deposited prior to the award passed by the Collector under Section 11 of

the Land Acquisition Act is concerned. Learned Advocate Mr.Naik would submit that since similar issue is raised in the present applications, the same order may be passed by this Court insofar as depositing the decretal amount is concerned.

5. Such request is not opposed by the learned Advocate Mr.A. V. Prajapati for the respondents – original Claimants and learned AGP Mr.Nikunj Kanara for the respondent State.
6. Considering the same, the applicant – original appellant is directed to deposit the entire decretal amount, except the interest granted by the learned Reference Court prior to the date of the award passed by the Collector under Section 11 of the Land Acquisition Act. Let such amount be deposited within a period of eight weeks from today. By way of interim relief, there shall be stay against the implementation, execution and operation of the impugned common judgement and award dated 28.10.2021 passed by the learned Second Additional Sr. Civil Judge, Kadi (Reference Court) insofar as the judgement passed in LAR Nos.117 of 2014, 118 of 2014, 119 of 2014 and 10 of 2015, on deposit of the decretal amount as stated herein above.
7. Furthermore, at the request of the learned Advocate for the claimants, upon the amount in question as referred to herein above being deposited by the applicant – original appellant, the claimants are permitted to withdraw 50% of the entire decretal amount deposited with the learned Reference Court. Learned Reference Court shall disburse the money in favour of the claimants after due and proper verification by way of 'Account Payee' cheques. As far as the amount of remaining 50% is concerned, the learned Reference Court shall have the same deposited in a long term Fixed Deposits with a nationalized Bank, which would fetch

higher interest. The receipts of such deposit shall be retained by the Nazir of the Reference Court concerned. It is clarified that there shall be no further disbursement without any order of this Court in that regard.

8. With the above observations and directions, the present applications stand disposed of as partly allowed. Rule is made absolute to the aforesaid extent.

V.V.P. PODUVAL

(NIKHIL S. KARIEL,J)