

DI ITEM NO.120

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7163 OF 2004

STATE OF GOA & ANR.

Appellant (s)

VERSUS

UDAY S. VAIDYA & ANR.

Respondent(s)

(With appln(s) for permission to submit additional document(s))

Date: 05/05/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)

Ms. A.Subhashini,Adv.

For Respondent(s)

Mr. Siddharth Bhatnagar, Adv.for  
Mr. T.Mahipal, Adv.

Mrs.Rekha Palli,Adv.(Not present)

UPON hearing counsel the Court made the following  
O R D E R

The Appeal is allowed in terms of the signed order.  
No costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7163/2004

State of Goa & Another

..Appellants

versus

Uday S.Vaidya & Another

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned  
judgment of the Bombay High Court dated 23rd June, 2003

passed in Writ Petition No. 145 of 2003.

By that judgment, interest has been awarded for the land acquired from 22.1.1997 which was the date of the award up to 19.02.2000 which is the date of taking possession. There is no provision under the Land Acquisition Act, 1894 (for short 'the Act') for granting such interest. Section 23(1A) of the Act provides that interest is to be paid from the date of notification under Section 4 of the Act up to the date of the award or taking possession, whichever is earlier. Hence, obviously the grant of interest for the period after the award is not contemplated by Section 23(1A) of the Act.

As regards Section 34 of the Act, no interest will be payable to the respondents under this provision because in this case the possession was taken on 19th February, 2000

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and the compensation was also paid on the same date.

For the reasons given above, this appeal is allowed. The impugned judgment of the High Court is set aside. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
MAY 05, 2010

.....J.  
[A.K. PATNAIK]