

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 584 OF 2023
(Arising out of SLP (C) No. 1438/2023)

CHHAGANBHAI UGARABHAI PATEL & ORS. Appellant(s)

VERSUS

THE STATE OF GUJARAT & ORS. Respondent(s)

O R D E R

Leave granted.

We have heard Shri Purvish Jitendra Malkan, learned counsel appearing for the appellants and Ms. Deepanwita Priyanka, learned counsel appearing for the respondent/State of Gujarat.

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 08.12.2022 passed by the High Court of Gujarat at Ahmedabad in R/Special Civil Application No. 24838 of 2022, by which the High Court has dismissed the said application in which the appellants prayed for interest on the amount of compensation on the ground that the appellants may file the suit as well as to challenge the award by way of seeking reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, '2013 Act'), the original appellants have preferred the present appeal.

As observed and held by this Court in the case of Union of India & Anr. vs. Pushpavathi & Ors. reported in 2018 (3) SCC 28 dealing with *pari materia* provisions of the Land

Acquisition Act, 1894 (for short, '1894 Act'), claim of non-award of the interest under the award cannot be the subject matter of reference under Section 18 of the 1894 Act.

In that view of the matter, the High Court has committed a very serious error in not deciding the writ petition(s)/application(s) on merits. As such, the appellants are entitled to the interest on the amount of compensation due and payable under the 2013 Act. In fact, while declaring that award, the interest on the amount of compensation ought to have been passed by the appropriate authority.

In view of the above, the present appeal succeeds. The impugned judgment and order passed by the High is set aside and the respondents are directed to determine and pay the interest on the amount of compensation due and payable within a period of twelve weeks from today.

The present appeal is accordingly allowed. No costs.

Pending application(s), if any, shall stand disposed of.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi;
January 30, 2023

ITEM NO.32

COURT NO.4

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SSpecial Leave Petition (C) No(s). 1438/2023

CHHAGANBHAI UGARABHAI PATEL & ORS.

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ORS.

Respondent(s)

(IA No.11224/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.11226/2023-EXEMPTION FROM FILING O.T.)

Date : 30-01-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMARFor Appellant(s) Mr. Purvish Jitendra Malkan, AOR
Mr. Apurva Kapadia, Adv.
Mr. Alok Kumar, Adv.
Mrs. Dharita Purvish Malkan, Adv.
Ms. Nandini Chhabra, Adv.
Mr. Ishwarlal Amrutlal Patel, Adv.
Mr. Jitendra Kumar Ramabhai Patel, Adv.

For Respondent(s) Ms. Deepanwita Priyanka, AOR

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

Leave granted.

The present appeal is allowed in terms of the signed
order.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS(KAMLESH RAWAT)
COURT MASTER (NSH)

(Signed order is placed on the file)