

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). 5150-5151/2018
(ARISING FROM SLP (C) NOS.4696-4697/2018)**

**PATNI HUSHENBHAI SIDIBHAI KOTVALA (DECEASED)
THR. LRS & ORS.**

APPELLANT(S)

VERSUS

NATIONAL HIGHWAYS AUTHORITY OF INDIA

RESPONDENT(S)

WITH

C.A. NOS. 5152-5153/2018 @ SLP(C) Nos. 7318-7319/2018

C.A. NOS. 5154-5155/2018 @ SLP(C) Nos. 7321-7322/2018

J U D G M E N T

KURIAN, J.

Leave granted.

2. The issue raised in these appeals pertains to the claim for enhancement of compensation. Similar and connected matters came up for consideration before this Court, out of the same impugned judgment leading to the judgment dated 14.11.2017 passed in C.A. No.18744-18745/2017 and batch. The appeals were disposed of with the following directions:-

(i) The compensation in respect of the land acquired from the appellants shall be worked out only on the basis of the calculation based on the return from the fruit-bearing trees, as calculated by the Reference Court.

(ii) On the compensation thus calculated, the appellants shall be entitled to additional compensation and solatium.

(iii) The appellants shall also be entitled to interest under Section 28 of the Land Acquisition Act, 1984 on the entire compensation thus worked out in terms of para (i) and (ii) above.

(iv) Learned counsel appearing for the Respondent/National Highway Authority of India points out that the appellants have already received compensation on the basis of the calculation based on land value.

(v) We make it clear that in case any of the appellants have received any compensation on the basis of the calculation based on land value, the amount shall be adjusted from the date of receipt along with 15% interest thereon, while granting the compensation. We further make it clear that in case the compensation awarded is deposited in Court, there shall be no adjustment of interest.

(vi) Needless to say that compensation necessarily includes solatium and interest on the amount.

3. These appeals are also disposed of in terms of the reliefs, as extracted above.

4. Pending applications, if any, shall stand disposed of.

5. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGODAR]

NEW DELHI;
MAY 14, 2018.