

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 755-756/2020
(ARISING OUT OF SLP(C) NOS. 31074-31075/2016)

PARAPPA ETC.

APPELLANT(S)

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER,
MALAPRABHA PROJECT AND ANR.

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. Leave granted.
3. The finding in the impugned order with respect to claim of interest/damages on the basis that area came in submergence in 1991 has to be looked into in accordance with the order passed by this Court in Chanabasappa v. Karnataka Neervari Nigam Ltd. and Another (Civil Appeal No.475/2020 @ SLP(C) No.29148/2016), decided on 21.11.2020. With respect to that matter is remitted to the Collector.
4. However, in the operative portion of the order the High Court has ordered that claimants are entitled to receive 30% solatium on the enhanced market value, additional market value @ 12% on the enhanced market value. Further, claimants are entitled to receive interest @ 9% on the enhanced market value from the date of award for a period of one year and thereafter @ 15% of the enhanced market value till the date of realization, as a matter of fact solatium, additional compensation and interest has to be counted and computed on the basis of total sum awarded under Section 23 i.e. on the basis of total market value, additional compensation also to be worked out on the total value as well as the interest. To the aforesaid extent the order passed by the High Court is modified.
5. It was submitted on behalf of the respondent/Nigam that in case the amount has been deposited as prescribed under Section 31(1) interest cannot follow under Section 34 that aspect of calculation has to be considered by the Executing Court. In case the amount has been deposited, obviously the amount has to be adjusted.

6. The appeals are, accordingly, disposed of.
7. Pending application(s), if any, shall stands disposed of.

.....J.
[ARUN MISHRA]

.....J.
[INDIRA BANERJEE]

NEW DELHI;
JANUARY 27, 2020.

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 S

Petition(s) for Special Leave to Appeal (C) No(s).31074-31075/2016

(Arising out of impugned final judgment and order dated 10-02-2016 in MFA No. 23571/2011 10-02-2016 in MFA No. 23195/2011 passed by the High Court of Karnataka Circuit Bench at Dharwad)

PARAPPA ETC.

PETITIONER(S)

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER,
MALAPRABHA PROJECT AND ANR.

RESPONDENT(S)

Date : 27-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Gourab Banerji, Sr. Adv.
Mr. Arjun Krishnan, AOR
Mr. Ankur Singh, Adv.
Mr. Shourya Bari, Adv.
Mr. Subhro Prakas Mukherjee, Adv.
Ms. Ishita Mishra, Adv.

For Respondent(s) Mr. Naveen R. Nath, Adv.
Mr. V.N. Raghupathy, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

(Signed order is placed on the file)