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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.193 OF 2024

WINSTON LAWRENCE ANTHONY
RODRIGUES AND ANR. ... Petitioners

Versus

STATE OF GOA THR.
CHIEF SECRETARY AND 5 ORS. ... Respondents

Mr Dinesh Naik with Ms Shruthi Arabekar, Advocates *for the Petitioners.*

Mr N. Vernekar, Additional Government Advocate *for Respondent Nos.1 and 2.*

Mr C.A. Coutinho, Advocate *for Respondent Nos.3 and 4.*

WITH
WRIT PETITION NO.771 OF 2023

VIBURN MARIO SAVIO REMEDIOUS
RODRIGUES AND ANR. ... Petitioners

Versus

STATE OF GOA TH.
CHIEF SECRETARY AND 7 ORS. ... Respondents

Mr Pavithran A.V. with Mr Prasad Kholkar, Advocates *for the Petitioners.*

Ms Maria Correia, Additional Government Advocate *for Respondent Nos.1 and 2.*

Mr C.A. Coutinho, Advocate *for Respondent Nos.3 and 4.*

Mr Dinesh Naik with Ms Shruthi Arabekar, Advocates *for Respondent No.5.*

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES, JJ.**
DATED: 6th March 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioners instituted these petitions because the government acquired their properties, but initially, they were not paid the entire compensation that was due and payable to them.
3. After Writ Petition No.771/2023 was filed, the Petitioners therein were paid the balance compensation, which was due and payable to them by the State Government. However, no interest was paid on the delayed amount.
4. The Petitioners in Writ Petition No.193/2024 were also paid the balance compensation just before the institution of the petition, but no interest was paid on the delayed amount.
5. The learned Additional Government Advocates pointed out that, in this case, the compensation was incorrectly paid to Respondent Nos.3 and 4, who are the sister and sister-in-law, respectively, of the Petitioners. The Government, therefore, issued a notice to Respondent Nos.3 and 4, pursuant to which Respondent Nos.3 and 4 refunded the compensation amount to the Government. This amount was eventually paid to the Petitioners.
6. Considering the above circumstances and the fact that the

Petitioners and Respondent Nos.3 and 4 are siblings, we requested the parties, through their learned Counsel, to consider whether the matter could be amicably sorted out with Respondent Nos.3 and 4 paying some interest to the Petitioners.

7. Pursuant to the Court's suggestion, Mr Coutinho, the learned Counsel for Respondent Nos.3 and 4, has stated that Respondent Nos.3 and 4 would pay interest @ 5% per annum for the period during which they retained the compensation amount.

8. Mr Dinesh Naik submits that this period would be 4 years and 2 months. Mr Coutinho states that he cannot comment on this period but maintains that Respondent Nos.3 and 4 will pay interest for the period during which they retained the amount, i.e., when they received the amount and refunded it to the Government. This statement is accepted.

9. Mr Pavithran and Mr Naik, based on instructions from the Petitioners who are present in the Court, accepted that the matter could be disposed of based on Mr Coutinho's statement that interest @ 5% per annum would be paid. At one stage, the learned Counsel, no doubt, submitted that it would be proper if interest @ 6% per annum could be paid. Mr Coutinho pointed out that the Respondents he represents had to spend a considerable amount towards medical expenses. He, therefore, submitted that the Petitioners may accept 5% per annum.

10. The Petitioners have graciously accepted to close this matter by receiving interest @ 5% per annum on the amounts refunded by Respondent Nos.3 and 4. We appreciate this.

11. Mr Coutinho, on instructions from Respondent Nos.3 and 4, states that the interest amount would be deposited in this Court within two months from today without seeking any extension for any reason. Such deposits should be with intimation to Mr Pavithran and Mr Dinesh Naik, the learned Counsel for the Petitioners. Respondent No.4 is present in the Court.

12. Once these amounts are deposited, the Petitioners are granted liberty to withdraw the same by furnishing identity proof and bank documents so that the amounts can be directly transferred to their bank accounts. The Registry is to give effect to this order without insisting on any further Court orders.

13. Mr Coutinho states that since Respondents Nos.3 and 4 had already paid income tax on the compensation they received, they would now be applying for a refund of income tax before the appropriate authority. If such an application is filed, the appropriate authority must dispose of it in accordance with law.

14. Both petitions are disposed of in the above terms by accepting the statements made on behalf of Respondent Nos.3 and 4 as undertakings to this Court. Before we do so, we thank the learned Counsel for the parties and the parties themselves for such a reasonable approach and for settling the matter amicably.

VALMIKI SA MENEZES, J.

M.S. SONAK, J.