IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5707 OF 2026

Sanjay Baban Girhe …Petitioner
Versus
The Chief General Manager Dedicated Frieght Corridor Corporation and Others …Respondents

WITH

WRIT PETITION (ST.) NO. 10930 OF 2026

Heena Suhas Niromkar …Petitioner
Versus
The Chief General Manager Dedicated Frieght Corridor Corporation and Others …Respondents

WITH

WRIT PETITION NO. 6100 OF 2026

Vijaykumar Subedar Mourya …Petitioner
Versus
The Chief General Manager Dedicated Frieght Corridor Corporation and Others …Respondents

WITH

WRIT PETITION NO. 5956 OF 2026

Rajendra Muktaji Shinde …Petitioner
Versus
The Chief General Manager Dedicated Frieght Corridor Corporation and Others …Respondents

WITH
WRIT PETITION NO. 5903 OF 2026

Vandana Ulhas Girhe …Petitioner
Versus
The Chief General Manager Dedicated Frieght Corridor Corporation and Others …Respondents

WITH
WRIT PETITION (ST.) NO. 12777 OF 2026

Mahesh Mahillappa Kallure …Petitioner
Versus
The Chief General Manager Dedicated Frieght Corridor Corporation and Others …Respondents

WITH
WRIT PETITION NO. 6064 OF 2026

Sambhaji Shivhar Mule …Petitioner
Versus
The Chief General Manager Dedicated Frieght Corridor Corporation and Others …Respondents

Mr. Ramdas Sabban a/w. Mr. Pravin Sabban i/b. Randive & Kadam Associates, for the Petitioners.
Mr. R.J. Deshmukh a/w. Mr. S.C. Surana, for Respondent Nos. 1 and 3.
Mr. B. V. Samant, Addl. G.P. a/w. Smt. M.S. Bane, AGP for the State in WP No. 5707 of 2026.
Smt. P.M.J. Deshpande, AGP for the State in WPST No. 10930 of 2026.
Mr. R.S. Pawar, AGP for the State in WP no. 6100 of 2026.
Smt. Pooja Patil, AGP for the State in WP No. 5956 of 2026.
Mr. S.H. Kankal, AGP for the State in WP No. 5903 of 2026.
Smt. Tanu Bhatia, AGP for the State in WPST No. 12777 of 2026
Smt. G.R. Raghuwanshi, AGP for the State in WP No. 6064 of 2026.

CORAM : MANISH PITALE AND SHREERAM V. SHIRSAT, JJ.

DATE : 21st SEPTEMBER, 2026

ORAL JUDGMENT : (Per Manish Pitale, J.)

1. Rule. Rule made returnable forthwith with the consent of learned counsel for the parties. The petitions were taken up for hearing and disposal.

2. The Petitioners were tenants in structures that were acquired by the Respondent Dedicated Freight Corridor Corporation of India Limited (DFCCIL) for the purpose of a Dedicated Freight Corridor through Alibag, District Raigad.

3. The grievance of the Petitioners is that despite orders passed in their favour confirming their eligibility in respect of their specific tenements and order dated 06.11.2025 passed by the Deputy Collector (Rehabilitation), Raigad-Alibag, determining monetary compensation payable to each one of them, the said amounts have not been disbursed in their favour till date.

4. It is highlighted that the Respondent DFCCIL itself had issued instructions for disbursal of major part of the monetary compensation

to the Petitioners by issuing specific direction to the concerned bank, but subsequently, directions were issued resulting in the disbursal of the amounts being halted.

5. The chronology of events in brief leading to filing of these petitions is that in the year 2021, the Petitioners approached the Appellate Authority for Rehabilitation as members of affected families or project-affected persons in respect of the said Dedicated Freight Corridor Project, seeking directions for monetary compensation, claiming to be eligible for the same. It is undisputed that possession of the concerned structures was taken in the year 2021–2022.

6. On 16.06.2022, the said Appellate Authority i.e. the Deputy Commissioner (Rehabilitation), Konkan Division, passed orders in favour of all the Petitioners, allowing their appeals and holding them eligible for receiving compensation. In the said orders, reference was made to Government Resolution dated 22.05.2018 issued by the Respondent State Government as regards the scheme or mechanism for disbursal of such compensation to affected persons.

7. The Respondent No. 1 DFCCIL filed review applications against the said orders of the Appellate Authority. The review applications

were rejected, and the said orders confirming the eligibility of the Petitioners remained unaffected.

8. In this backdrop, Respondent No. 2 i.e. the District Rehabilitation Officer for the aforesaid project, submitted a proposal to the State seeking approval for disbursal of monetary compensation to the Petitioners and eventually, on 06.11.2025, the Deputy Collector (Rehabilitation) as Administrator for Rehabilitation concerning the aforesaid project passed a reasoned order determining the amount of monetary compensation payable to the Petitioners as Rs. 14,17,000/- each.

9. In this backdrop, Respondent Nos. 1 and 2 informed the concerned bank regarding the requirement for disbursal of the amounts to the Petitioners. As a matter of fact, by communication dated 06.11.2025, Respondent Nos. 1 and 2 even directed transfer of major portion of the amount i.e. Rs. 10,00,000/- each, by RTGS transfer in favour of the Petitioners.

10. But, on 24.11.2025, the Respondent No. 3 i.e. the Project Manager of DFCCIL concerning the said project, sent a letter to Respondent No. 2, District Rehabilitation Officer, taking a stand

completely contrary to the aforementioned actions jointly undertaken by Respondent Nos. 1 and 2. It was claimed that the Petitioners, being tenants, were eligible only for written notice of three months and an amount of Rs. 10,000/- towards shifting allowance. In this regard, reliance appears to have been placed on an Entitlement Matrix for such projects based on Relief and Rehabilitation Plan of the Respondent DFCCIL of September 2012.

11. On 08.12.2025, the Respondent No. 2 sent a letter to Respondent No. 3 i.e. Project Manager of Respondent DFCCIL, stating that the State Government had already approved the eligibility of the Petitioners and their right to disbursal of the aforesaid monetary compensation. Despite the aforesaid communication, the Respondent DFCCIL failed to disburse the aforesaid amounts in favour of the Petitioners. In this backdrop, on 05.03.2026, the Petitioners were constrained to send legal notice to the said Respondents, and thereafter, the writ petitions were filed in April 2026.

12. On 05.05.2026, this Court issued notice in the writ petitions. The Respondent Nos. 1 and 3 filed their reply affidavits in the writ petition. The principal ground for opposing the reliefs claimed in the writ petitions was reliance placed by the said Respondents on a letter

dated 23.05.2015 sent by Director Planning (Special) of the Ministry of Railways (Railway Board), Government of India, to the Managing Director of Respondent DFCCIL.

13. The said communication granted approval to Entitlement Matrix for such Dedicated Freight Corridor Projects based on the September 2012 Rehabilitation and Resettlement Plan of the said Respondent. By placing reliance upon the same, the stand taken in the aforementioned letter dated 24.11.2025 was sought to be justified.

14. The learned counsel appearing for the Petitioners in these petitions submitted that the Respondent DFCCIL has acted in a most arbitrary manner by refusing disbursal of the aforesaid amounts of compensation duly determined by the competent authority in favour of the Petitioners. It is submitted that the said Respondent cannot be permitted to rely upon the aforementioned Entitlement Matrix of 2015, as the same is in the teeth of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”). Specific reliance was placed on Sections 3(c)(ii)) and 31 read with Schedule II of the Act of 2013, to claim that the Petitioners, being covered under the definition of "affected family" as tenants in the

structures, are clearly entitled to the aforesaid compensation. It was submitted that the Respondent DFCCIL is not justified in relying upon Government Resolution dated 22.05.2018 issued by the Respondent State Government, as the said Government Resolution itself records that if higher compensation is found to be payable under the Act of 2013, the same shall be disbursed to the affected persons. It was submitted that therefore, the writ petitions deserve to be allowed, and a specific direction may be issued for disbursal of the amounts already determined as per order dated 06.11.2025 passed by the competent authority i.e. the Respondent No. 2, alongwith interest.

15. The learned AGP appearing on behalf of Respondent No. 2 i.e. the competent authority, submitted that the provisions of the Act of 2013 are clear with regard to the definition of "affected families" and as to the manner in which rehabilitation compensation is to be computed and disbursed in favour of eligible persons. In that light, the order dated 06.11.2025 followed the statutory mandate. Attention of this Court was invited to paragraph 6 of the Government Resolution dated 22.05.2018 to highlight the State policy that in the event the relief under the Act of 2013 is higher, such higher relief ought to be given to the affected persons.

16. On the other hand, the learned counsel appearing for Respondent DFCCIL relied upon the contents of the reply affidavit and particularly the aforesaid letter dated 23.05.2015 sent by the Government of India through Ministry of Railways (Railway Board) to the Managing Director of DFCCIL. It was submitted that the Entitlement Matrix of 2015 in turn referred to the Rehabilitation and Resettlement Plan of September 2012 of DFCCIL, wherein policy was laid down for entitlement of compensation for lessees and tenants. It was submitted that the same was reflected in the said letter dated 24.11.2025, sent by Respondent No. 3 i.e. the Project Manager of DFCCIL to the Respondent No. 2, competent authority. It was stated that since specific amount was already paid to the owners of the structures in which the Petitioners were tenants, they would not be eligible for the amounts determined by the competent authority in the order dated 06.11.2025.

17. Reliance was also placed on certain portions of Government Resolution dated 22.05.2018 to contend that since the structures were located on Gaothan land, second schedule of the said Government Resolution applied, thereby showing that only the owner of the structure was eligible for compensation. On this basis, it was

submitted that the writ petitions deserve to be dismissed.

18. Having considered the rival submissions, we are of the opinion that the statutory mandate, as to the manner in which eligible persons can be rehabilitated under the provisions of the Act of 2013, needs to be appreciated in the correct perspective. In that context, the following provisions of the Act of 2013 are relevant :

> ***Sections 3(c) : affected family includes—***
> *(i) a family whose land or other immovable property has been acquired;*
> *(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;*
> *(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land;*
> *(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;*
> *(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;*
> *(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;*

Section 31 : Rehabilitation and Resettlement Award for affected families by Collector–

(1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.

(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:

(a) rehabilitation and resettlement amount payable to the family;

(b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;

(c) particulars of house site and house to be allotted, in case of displaced families;

(d) particulars of land allotted to the displaced families;

(e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;

(f) particulars of payment for cattle shed and petty shops;

(g) particulars of one-time amount to artisans and small traders;

(h) details of mandatory employment to be provided to the members of the affected families;

(i) particulars of any fishing rights that may be involved;

(j) particulars of annuity and other entitlements to be provided;

(k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:

Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as —not applicable.

Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.

19. The above-quoted provisions are to be read with Schedule II appended to the Act of 2013, which provides for the Elements of Rehabilitation and Resettlement Entitlements for all the Affected Families, in addition to those provided in the First Schedule.”

20. A perusal of the definition of "affected family" given in Section 3(c), quoted hereinabove, shows that in clause (ii) thereof, tenants, including any form of tenancy, are specifically covered. It is undisputed that the Petitioners were tenants in the subject structures that were acquired by the Respondent DFCCIL. Therefore, they are entitled to be compensated under the provisions of the Act of 2013, applying Schedule II to the said Act.

21. As a matter of fact, in the order dated 06.11.2025, Respondent No. 2 competent authority referred to the relevant provisions of the Act of 2013 and came to a considered conclusion that each of the Petitioners was entitled to a sum of Rs. 14,17,000/- towards compensation. The eligibility of the Petitioners was already decided as per orders passed by the Appellate Authority i.e. the Deputy Commissioner (Rehabilitation), on 16.06.2022. The review applications filed by DFCCIL to seek review of the said orders of the Appellate Authority were rejected, and the said orders were confirmed.

22. In such a situation, we are of the opinion that there could be no impediment for disbursal of the aforesaid compensation amount in favour of the Petitioners. The objection raised by DFCCIL itself appears

to be belated, because Respondent No. 1, being the Chief General Manager of DFCCIL, jointly with Respondent No. 2 i.e. the competent authority, had issued instructions to the concerned bank to disburse major portion of the compensation amounts through RTGS into the bank accounts of the Petitioners. It is at this belated stage that the aforesaid communication dated 24.11.2025 was issued by Respondent No. 3 i.e. Project Manager of DFCCIL, addressed to the Respondent No. 2 competent authority, for the first time raising objection and placing reliance on the aforementioned Entitlement Matrix of 2015 based on the Relief and Rehabilitation Plan of September 2012 of DFCCIL. In that context, reliance was also placed on GR dated 22.05.2018 of the Respondent State.

23. We are of the opinion that instructions such as the aforesaid letter dated 23.05.2015 issued by the Government of India, Ministry of Railways (Railway Board), cannot override the statutory provisions of the Act of 2013. Such instructions cannot prevail upon the statutory provisions, and therefore, reliance placed on the same on the part of Respondent DFCCIL cannot be sustained.

24. The attempt made on the part of Respondent DFCCIL to then rely upon Government Resolution dated 22.05.2018 can also not be

sustained, simply for the reason that the Respondent State in paragraph 6 of the said Government Resolution has specified, as per settled law, that higher relief or compensation payable to eligible persons under the Act of 2013 would always prevail. This is in line with Section 108 of the Act of 2013, which refers to the option to the affected families to avail better compensation and rehabilitation and resettlement. Therefore, the Respondent DFCCIL is not justified in relying upon second schedule mentioned in the Government Resolution dated 22.05.2018.

25. Hence, we find that the grounds raised on behalf of Respondent DFCCIL in its reply affidavit and documents filed therewith to deny the Petitioners their rightful due are not justified. The arguments raised on behalf of Respondent DFCCIL are rejected, and it is found that the writ petitions deserve to be allowed.

26. In the prayers made in the writ petitions, the Petitioners have claimed a direction for disbursal of the aforesaid amount of compensation of Rs. 14,17,000/- each within a time-bound manner, along with interest at the rate of 18% per annum.

27. We are of the opinion that even as per the statutory mandate in

terms of Section 80 of the Act of 2013, the interest payable for delayed payment is at the rate of 9% per annum for the first year from the date of taking possession, and 15% from the second year onwards.

28. We are of the opinion that in the light of Respondent DFCCIL having taken an unreasonable stand belatedly and having deprived the Petitioners of their rightful dues in an unjustified manner, the statutory interest prescribed in Section 80 of the Act of 2013 should be paid on the said amount of Rs. 14,17,000/- payable to each of the Petitioners.

29. We are inclined to issue such a direction in the peculiar facts and circumstances of the present case, for the reason that the documents show that when Respondent No. 1 i.e. the Chief General Manager of Respondent DFCCIL, jointly with Respondent No. 2 competent authority, had even directed substantial portion of the amount i.e. Rs. 10,00,000/- each, to be disbursed by RTGS to the Petitioners. But, suddenly a different stand was taken and objection was raised with regard to disbursal of the amounts of compensation in favour of the Petitioners. It is for this reason that we are inclined to invoke Section 80 of the Act of 2013 to issue the direction of payment of interest on the said amounts to the Petitioners.

30. In view of the above, the writ petitions are allowed in terms of prayer clause (a) of each of the writ petitions, with the modification that interest shall be payable in terms of the observations made hereinabove under Section 80 of the Act of 2013.

31. Thus, each of the Petitioners shall be paid amounts of Rs. 14,17,000/- each, along with interest at the aforesaid rate.

32. Since the basic amounts of Rs. 14,17,000/- each were already deposited by Respondent DFCCIL, such amounts shall be disbursed to the Petitioners at the earliest and in any case within two weeks. The amounts towards interest payable to each of the Petitioners in terms of the directions given hereinabove will have to be calculated. The Respondent No. 2 competent authority is directed to make such calculations within a period of four weeks from today.

33. The Respondent No. 2 competent authority shall then communicate the said amounts towards interest to Respondent Nos. 1 and 3 i.e. the Chief General Manager and the Project Manager of DFCCIL respectively, within one week thereafter.

34. The Respondent Nos. 1 and 3 shall ensure that the amounts towards interest in terms of the calculation shall be deposited with the

competent authority within two weeks. Upon receipt of the said amounts, the Respondent No. 2 shall in turn disburse the said amounts to the Petitioners within one week thereafter.

35. Rule made absolute in above terms.

36. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.) **(MANISH PITALE, J.)**