

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR**

Civil Application (F) No. 2830 of 2016 with First
Appeal (St) No. 20562/15

Appellants : Shalikrao Deorao Thakre (dead), through legal representatives -

- 1) Smt Vimal Shalikram Thakre, aged about 52 years, Occ: Household, resident of Dhanora, Tahsil Digras, District Yavatmal.
- 2) Sau Sandhyatai Ashokrao Chore, aged about 32 years, Occ: Houselhold, resident of Akola
- 3) Jaykumar Shalikgram Thakre, aged about 30 years, resident of Dhanora, Tahsil Digras, District Yavatmal
- 4) Ravindra Shaligram Thakre, aged about 30 years, Agriculturist, resident of Dhanora, Tahsil Digras, District Yavatmal
- 5) Sau Vidhyatai Rajabhau Patil, aged about 25 years, Occ: Household, resident of Daheli, Tahsil Darwha, District Yavatmal

6) Ulhas Shalikram Thakre, aged about 23 years,
Occ: Agriculturist, resident of Dhanora, Tahisl
Digras, District Yavatmal
versus

Respondents : 1) The State of Maharashtra, through Secretary,
Department of Revenue and Forest, Mantralaya,
Mumbai
2) The Collector, Yavatmal
3) Special Land Acquisition Officer, Benefitted Zone,
Arunawati Project, Digras, Head Office at Yavatmal

Shri. R. J. Shinde, Advocate for appellants

Ms Archana Kulkarni, Asst. Govt. Pleader for respondents

Coram : A. S. Chandurkar, J

Dated : 1st February 2017

Oral Judgment

1. CAF No. 2830 of 2016 : By this application, the appellants who are claimants in reference proceedings for enhancement of compensation, seek condonation of delay in filing the appeal. The

reasons for the delay are mentioned in paragraphs 3 and 4 of the application. Reliance is placed upon the judgment of the Honourable Supreme Court in **Imrat Lal & ors v. Land Acquisition Collector & ors** reported in **2014 (9) SCALE 446** and it is stated that the appellants are willing to forgo interest on the amount of compensation, if enhanced.

2. The application is opposed by learned Assistant Government Pleader by relying upon reply affidavit. It is submitted that the reasons furnished are not sufficient.

3. Considering the reasons mentioned in the application along with ratio of the judgment in the case of *Imrat Lal & ors* (supra), the delay is condoned subject to the applicant not being entitled for interest on the enhanced amount of compensation for the period from 18.1.1992 till date. Civil Application is allowed and disposed of.

4. First Appeal (St) No. 20562 of 2015 : As the point raised in the appeal has already been decided, the appeal is taken up for admission final disposal with the consent of learned counsel for the parties.

5. Notice for final disposal is made returnable forthwith. Ms Archana Kulkarni, learned Assistant Government Pleader waives notice on behalf of the respondents.

6. Land admeasuring 4.90 HR from survey number 7/2 was the subject-matter of acquisition for submergence of Arunawati Project. Notification under Section 4 of the Land Acquisition Act was published on 10.5.1982 and the Award was passed on 19.9.1986. A sum of Rs.13,500/- per hectare came to be granted by the Land Acquisition Officer. The Reference Court enhanced the amount of compensation @ Rs.40,000/- per hectare. Being aggrieved thereby, the present appeal has been filed.

7. Shri. Shinde, learned counsel for the appellants submitted that in various First Appeals arising out of the same Notification and relating to the same Project, the amount of compensation for irrigated land has been adjudicated at Rs. 1,30,000/- per hectare. In that regard, he has referred to the order passed in First Appeal No. 592 of 1994. It is, therefore, submitted that the same amount of compensation deserves to be granted.

8. Ms A. R. Kulkarni, learned Assistant Government Pleader

does not dispute the aforesaid adjudication. It is submitted that in view of the order passed while condoning the delay, the appellants are not entitled for interest on the enhanced amount of compensation.

9. In view of aforesaid and for reasons assigned in First Appeal No. 592 of 1994 decided on 16.1.2017, following order is passed:

Order

i) The judgment of the Reference Court dated 18.1.1992 in LAC No. 324 of 1990 is partly modified. It is held that the appellants are entitled for compensation @ Rs. 1,30,000/- per hectare for the acquired land.

ii) Interest @ 9% per annum is payable from the date of Award of the Land Acquisition Officer and after a period of one year, interest @ 15% per annum is payable. Other statutory benefits be paid in accordance with the provisions of the said Act. The Claimants are not entitled for interest on the enhanced amount of compensation for the period from 18.01.1992 to 01.02.2017.

iii) First Appeal is allowed in aforesaid terms. No costs.

A. S. Chandurkar, J