

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 4680 OF 2017

Abhimanyu s/o Arjun Pawar
age 52 years, occ agril.
r/o karkhel, Tq. Ashti
Dist. Beed.

Appellant

Versus

1. The State of Maharashtra
Through the Collector,
Beed.
2. The Executive Engineer
M.I.Division,
Beed.

Respondents

Mr. C.K. Shinde, advocate for appellant.
Mr. B.V. Virdhe, AGP for respondents.

CORAM : M.S. SONAK, J.
DATE : 16th FEBRUARY, 2018

ORAL JUDGMENT :

1. Heard learned counsel for the parties.
2. At their request and with their consent, this appeal is taken up for final hearing since, the issue involved in this appeal is already covered by the judgment and order dated 22.09.2016 made in First Appeal No. 2526/2016 and connected matters.
3. Since, there is no dispute that the subject matter of this appeal is covered by the judgment and order dated 22.09.2016 in the aforesaid appeals, even this appeal is disposed of in the same terms.

4. In the result, the following order.

i) The appellant is held entitled to get interest under Sections 28 and 34 of the Act on the aggregated amount, which would include the enhanced market value of the acquired lands plus the amount payable on the said amount under Sections 23(1-A) of the Act plus 30% of the amount of such enhanced market value, as provided under Section 23(2) of the Act;

ii) The impugned award so far as it relates to grant of interest under Section 34 of the Act from the date of possession, is quashed and set aside and instead, it is ordered that such interest be awarded from the date of the award;

iii) The impugned awards be accordingly modified.

iv) The appeal stand partly allowed in the aforesaid terms. Pending civil application, if any, stand disposed of.

(M.S. SONAK, J.)