

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 FIRST APPEAL NO.3468 OF 2019
WITH FA/3469/2019

THE EXECUTIVE ENGINEER, UPPER PRAVARA PROJECT DAM DIVISION,
SANGAMNER, THR GMIDC
VERSUS
SUNDARABAI PANDHARINATH NAWALE AND ORS

...

Advocate for Appellant : Mr. Bhalerao Sudhir G.
Advocate for Respondents No. 1 & 2 : Mr. Bhide Vinod Y

15 FIRST APPEAL NO.3573 OF 2019

THE EXECUTIVE ENGINEER URDHVA PRAVARA CANAL
DIVISION, SANGAMNER THR VIVEK HANUMAN
VERSUS
RAMNATH SHANKAR GHOLAP AND ORS

...

Advocate for Appellant : Mr. Arora Shyam C.
Advocate for Respondents 1 to 9 & 12 : Mr. Bhide Vinod Y.

CORAM : MANGESH S. PATIL, J.

DATE : 12/12/2019

PER COURT :

Heard both the sides in all these appeals.

2. The acquiring body has preferred these appeals to the limited extent, impugning the direction in the award holding the claimants entitled to claim interest under Section 28 of the Land Acquisition Act from the date of the notification when it ought to have been from the date of the Award.

2. The issue is no longer *res integra*. In the case of ***State of Maharashtra Vs. Kailash Shiva Rangari; 2016(3) Mh.L.J. 457***, a full bench of this Court, the dispute wherein was pertaining to Section 34 of the Land Acquisition Act has laid down that the interest can be awarded from the date

of the award. Later on, in the case of ***State of Maharashtra Vs. Ramesh Tukaram Meshram and others; 2018(3) Mh.L.J. 616***, this Court has interpreted the decision of the full Bench to be applicable with equal force in case of interest which can be awarded under Section 28 of the Land Acquisition Act.

3. In view of such decisions of this Court, the impugned award to the extent of awarding interest under Section 28 of the Land Acquisition Act from the date of notification is liable to be quashed, set aside and modified by awarding the interest from the date of the award.

4. The appeals are allowed. The impugned judgment and award to the extent it directs the interest under Section 28 of the Land Acquisition Act to be payable from the date of the notification, is modified and instead the interest shall be payable from the date of the Award. The rest of the judgment and award shall stand unaltered.

5. The First Appeals are disposed of.

(MANGESH S. PATIL, J.)

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