

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 3574 OF 2019

The Godavari Marathwada Irrigation
Development Corporation
Through Executive Engineer and Another ..APPELLANTS

VERSUS

Vishnu Mahadu Shete
(Dead) Through L.Rs.
Navnath Vishnu Shete and Others ..RESPONDENTS

....

Mr. A.M. Gaikwad, Advocate for appellant no.1
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondent nos. 1-A, 1-B, 2-A, 3 to 6

....

**AND
FIRST APPEAL NO. 3575 OF 2019**

Executive Engineer
Urdhava Pravara Project Dam Division ..APPELLANT

VERSUS

State of Maharashtra and Others ..RESPONDENTS

....

Mr. Sartaj Pathan, Advocate h/f Mr.V.C. Solshe, Advocate for appellant
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondent nos. 2, 3-A to 3-E

....

**AND
FIRST APPEAL NO. 3576 OF 2019**

Executive Engineer
Upper Pravara Project Dam Division ..APPELLANT

VERSUS

Bhaga Rambhau Chudhari and Others ..RESPONDENTS

....
Mr. S.G. Bhalerao, Advocate for appellant
Mr. V.Y. Bhide, Advocate for respondent nos. 1 to 4
Mr. S.S. Dande, A.G.P. for respondent no.5 - State
....

**AND
FIRST APPEAL NO. 3577 OF 2019**

Executive Engineer
Urdhava Pravara Canal Division
and Another ..APPELLANTS

VERSUS

Ranganath Haribhau Chaudhari
(Died) Through L.Rs.
Anjanabai Rangnath Chaudhari and Others ..RESPONDENTS

....
Mr. R.D. Reddy, Advocate for appellant no.1
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondents
....

**AND
FIRST APPEAL NO. 3578 OF 2019**

Executive Engineer
Urdhava Pravara Canal Division
and Another ..APPELLANTS

VERSUS

Vasant Dhondiba Dhumal and Others ..RESPONDENTS

....
Mr. R.D. Reddy, Advocate for appellant no.1
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondents
....

**AND
FIRST APPEAL NO. 492 OF 2021**

The Godavari Marathwada Irrigation
Development Corporation
Through Executive Engineer and Another ..APPELLANTS

VERSUS

Kisan Mahadu Chaudhari and Another ..RESPONDENTS

....

Mr. A.M. Gaikwad, Advocate for appellants
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondents

....

**AND
FIRST APPEAL NO. 494 OF 2021**

The Godavari Marathwada Irrigation
Development Corporation
Through Executive Engineer and Another ..APPELLANTS

VERSUS

Balkrushna Mahadu Chaudhari
(Dead) Through L.Rs.
Dropadabai Balkrushna Chaudhari and Others ..RESPONDENTS

....

Mr. A.M. Gaikwad, Advocate for appellants
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondents

....

**AND
FIRST APPEAL NO. 496 OF 2021**

Executive Engineer
Urdhava Pravara Project Dam Division ..APPELLANT

VERSUS

State of Maharashtra and Others ..RESPONDENTS

....
Mr. Sartaj Pathan, Advocate h/f Mr.V.C. Solshe, Advocate for appellant
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondent nos. 2, 3, 5 and 6
....

**AND
FIRST APPEAL NO. 497 OF 2021**

The Godavari Marathwada Irrigation
Development Corporation
Through Executive Engineer and Another ..APPELLANTS

VERSUS

Tukaram Rambhau Shete
(Dead) Through L.Rs.
Chandrabhaga Tukaram Shete and Others ..RESPONDENTS

....
Mr. A.M. Gaikwad, Advocate for appellants
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondents
....

**AND
FIRST APPEAL NO. 498 OF 2021**

The Godavari Marathwada Irrigation
Development Corporation
Through Executive Engineer and Another ..APPELLANTS

VERSUS

Haribhau Nivrutti Shete and Another ..RESPONDENTS

....
Mr. A.M. Gaikwad, Advocate for appellants
Mr. S.S. Dande, A.G.P. for State
Mr. V.Y. Bhide, Advocate for respondents
....

**CORAM : R.G. AVACHAT, J.
DATED : 12th JULY, 2021**

PER COURT :

1. Heard learned counsel for the parties to these appeals.
2. In all these appeals, the challenge is to the clause in award/s, directing payment of interest under Section 28 of the Land Acquisition Act ('L.A. Act'), from the date of notification.
3. 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 has held that interest under Section 34 of the L.A. Act can be awarded from the date of the award. This Court, in the case of ***State of Maharashtra Vs. Ramesh Tukaram Meshra and Others; 2018 (3) Mh.L.J. 616***, relying on the interpretation of Section 34 of the L.A. Act, made by the full Bench of this Court in Kailash Rangari's case (*supra*), has held that interest under Section 28 of the L.A. Act can be awarded from the date of the award.
4. In view of the aforesaid legal position, the impugned award/s to the extent of awarding interest under Section 28 of the L.A. Act from the date of notification is/are modified by awarding interest from the date of the award.

5. All the appeals are thus, allowed. The impugned award/s, to the extent directing interest under Section 28 of the L.A. Act to be payable from the date of notification, is/are modified directing that interest shall be payable from the date of the award. Rest of the terms of the impugned award to stand unaltered.

(R.G. AVACHAT, J.)

SSD