

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1486 OF 2020 WITH
CIVIL APPLICATION NO.7513 OF 2017

Executive Engineer, Medium Project
Division, Osmanabad & anr.

... APPELLANT

VERSUS

Bajirao Vishwanath Gaikwad

... RESPONDENT

.....
Mr. B.A. Shinde, Advocate for appellant
Mr. A.B. Chate, A.G.P. for State
Mr. S.A. Wakure, Advocate for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 9th September, 2021

PER COURT :

Learned counsel for the acquiring body submits that, the enhancement made by the Reference Court is more than four times. The interest has also been awarded from the date of notification under Section 4 of the Land Acquisition Act, instead of from the date of the award passed by the Special Land Acquisition Officer.

2. Perused the impugned award and the judgment as well to find that the enhancement is little over four times of the amount offered by the Special Land Acquisition Officer.

The enhancement is little over four times of the amount of compensation offered by the Special Land Acquisition Officer, to be precise, it is more by Rs.60/- per R. in view of the same, I am not inclined to interfere with the enhancement of compensation by the Reference Court.

3. However, the Reference Court has awarded the interest from the date of notification instead of from the date of award by the Special Land Acquisition Officer. The same is in breach of the Full Bench judgment of this Court in case of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 (3) Mh.L.J. 457]**. The impugned award, therefore, needs to be modified to that extent only. Hence the order :-

ORDER

4. Clause 4 of the impugned award is modified as under :-

(i) The claimants in both petitions are also entitled to recover solatium at the rate of 30%, interest @ 9% p.a. for first year and @ 15% p.a. for the subsequent years on the enhanced compensation amount from the date of award of the Special Land Acquisition Officer i.e. 27/12/1999.

(ii) Rest of the terms of the impugned award to stand unaltered.

(iii) The amount in deposit be paid to the applicant in terms of the modified award and the balance amount, if any, be paid back to the acquiring body along with interest accrued thereon.

(iv) In view of disposal of the First Appeal, Civil Application stands disposed of.

**(R. G. AVACHAT)
JUDGE**

fmp/-