

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1487 OF 2020 WITH
CIVIL APPLICATION NO.7511 OF 2017

Executive Engineer, Medium Project
Division, Osmanabad & anr.

... APPELLANT

VERSUS

Raghunath Hira 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

.....

WITH
CIVIL APPLICATION NO.2346 OF 2021 IN
FIRST APPEAL NO.1487 OF 2020

Raghunath Hira Gaikwad

... APPLICANT

VERSUS

Executive Engineer, Medium Project
Division, Osmanabad & anr.

... RESPONDENTS

.....

Mr. S.A. Wakure, Advocate for applicant
Mr. B.A. Shinde, Advocate for respondent No.1.
Mr. A.B. Chate, A.G.P. for respondents No.2

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CORAM : R. G. AVACHAT, J.

DATE : 9th September, 2021

PER COURT :

Learned counsel for the parties to this appeal
submit in one hold that, the enhancement is not more than

four times of the amount of compensation offered by the Special Land Acquisition Officer. The State has a policy not to prefer appeal in such cases. No exception is made out. It is, however, submitted that, the interest has been awarded from the date of notification and 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]**. In view of the same, the appeal stands disposed of on terms of the following order:-

ORDER

2. 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 Applications stand disposed of.

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

fmp/-