

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.3717 OF 2018

EX. ENGINEER, LATUR MEDIUM PROJECT, NOW LATUR MINOR
IRRIGATION DIV., UNDER GMIDC, AURANGABAD AND OR
VERSUS
BHAGWAT RANBA KHADAP

...

Advocate for Appellant No.1 : Mr. B. R. Surwase
AGP for Appellants No.2 and 3 : Mr. S. S. Dande
Advocate for Respondents-claimants : Mr. N. D. Kendre

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WITH FA/3718/2018
WITH FA/3723/2018

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CORAM : ANIL S. KILOR, J.

DATE : 1st APRIL, 2021

PER COURT :-

Mr. Surwase, learned counsel appearing for appellant-Acquiring Body has filed pursis dated 22-03-2021, stating therein that, compensation awarded by the Reference Court in these matters is within the limits of the Government Resolution dated 3rd November, 2016. Hence, the appellant- Acquiring Body does not want to proceed further with these appeals. However, he submits that, modification in the impugned Judgment and Award is necessary to the extent of interest granted under Section 28 of the Land Acquisition Act, 1894 from the date of notification under Section 4 of the Act, whereas, it should be from the date of Award in view of well settled position of law.

2. Learned counsel appearing for the claimants is not disputing that the claimants are entitled for the interest under Section 28 of the Act, from the date of Award and not from the date of notification under Section 4 of the Act.

3. In that view of the matter, with modification in clause No. 5 of the operative part of the order of impugned Judgment dated 28th March, 2013, passed by learned 4th Joint Civil Judge, Senior Division, Latur, in Land Acquisition Reference No. 465 of 2006 and other connected matters, to the effect that, interest be granted under Section 28 of Land Acquisition Act, 1894, from the date of Award for first year @ 9% per annum and thereafter for further period @ 15% p.a.

4. The First Appeals are, accordingly, disposed of.

(ANIL S. KILOR)
JUDGE

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