

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

**FIRST APPEAL NO. 415 OF 2015
AND
CIVIL APPLICATION NO. 10783 OF 2014
IN
FIRST APPEAL NO. 415 OF 2015**

Executive Engineer,
Lower Dudhna Project, Selu

..APPELLANT

VERSUS

Gayabai Sampatrao Garde
(Died) Through L.Rs.
Asaram Sampatrao Garde and Others

..RESPONDENTS

....

Mr. S.G. Sangle, Advocate for appellant
Ms. P.J. Bharad, Advocate for respondent no.1
Mr. P.M. Kulkarni, A.G.P. for respondent nos. 2 and 3

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**CORAM : R.G. AVACHAT, J.
DATED : 28th OCTOBER, 2021**

PER COURT :

1. Liberty to bring on record legal representatives of Respondent No.1 pursuant to order dated 29th September, 2021.
2. Heard.
3. Learned counsel agree to have order similar to one that has been passed on 06th June, 2019 in First Appeal No. 461 of 2015 and connected appeals.

4. In view of same, the appeal is partly allowed in terms of the following order :-

The interest under Sections 34 and 28 of the Land Acquisition Act shall be payable from the date of passing of award i.e. from 08th May, 2005. The award be modified accordingly. The amount payable to the respondents/claimants in terms of modified award be transferred to the reference Court for being paid to them there. Remaining amount, if any, be paid back to the appellant – acquiring body with interest accrued thereon. Pending civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD