

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 3555 OF 2019

Ramrao S/o Santoba Kopnar
Age : 35 years, Occu : Agriculture,
R/o. Kaudgaon Ghoda,
Taluka – Parali,
District – Beed

.. Appellants

Versus

- 1] The State of Maharashtra
Through Collector, Beed
- 2] The Executive Engineer,
Beed – Majalgaon Canal Division No. 5,
(E.G.S.), Parali Vajinath,
A/P Taluka – Parali, Dist. Beed

(As it is merged with Executive Engineer,
Majalgaon Canal Division No. 7, Kodri Road,
Jaikwadi Wasahat, At Post – Gangakhed,
District – Parbhani

.. Respondents

...

Ms. Tanvi V. Jadhav, Advocate for the appellant
Mr. S.S. Dande, AGP for respondent - State
Mr. B.R. Survase, Advocate for respondent no. 2

...

CORAM : ANIL S. KILOR, J.
DATE : 01-04-2021

ORDER :

1. The only issue raised in this Appeal is in respect of non-grant
of interest under Section 28 of the Land Acquisition Act.

2. Heard the learned counsel for the respective parties.
3. Learned counsel for the appellant points out that the land owned by the appellant was acquired for Beed – Majalgaon Canal Division No. 5 and Award was passed on 23-09-1996 bearing no. LNQ/SR/20/89. The claimant on not satisfying with the amount determined by the Land Acquisition Officer towards the compensation, filed Reference under section 18 which came to be partly allowed and the amount of compensation was enhanced, however, no amount of interest has been awarded under section 28 for which the claimant is entitled for.
4. Learned counsel for the appellant submits that his prayer is restricted only to grant of interest under section 28 which has not been granted by the learned Reference Court.
5. Learned counsel for the respondent – Acquiring Body submits that though in clause 5 of the operative part of the Order dated 05-08-2019, the Court has directed that the interest is granted under section 34, however, the same is under section 28 and not under section 34.

6. On a specific query put to him, whether the Acquiring Body has applied for correction of the said mistake, the answer was in the negative.

7. The Judgments @ *State of Maharashtra Vs. Kailash Shiva Rangari*¹, *Lalitkumar Himmatlal Shah Vs. State of Maharashtra*², *Pandhari Dhondiba Nukulwad Vs. The State of Maharashtra and others* (First Appeal No. 2270 of 2014)³ and *State of Maharashtra Vs. Ramesh Tukaram Meshram*⁴ cited by learned counsel for the appellant show that this Court has held in numerous Judgments that the claimants are entitled for interest under section 28 from the date of the Award till its realization.

8. In that view of the matter, I partly allow the present Appeal and grant interest under section 28 of the Land Acquisition Act from the date of the Award till its realization. The interest for the first year from the date of the Award would be @ 9% per annum and after one year, the interest would be @ 15% per annum.

9. The Appeal is disposed of.

[ANIL S. KILOR]
JUDGE

arp/

1 2016 (3) Mh.L.J. 457
2 2012 (4) Mh.L.J. 742
3 2020 (2) Mh.L.J. 412
4 2018 (3) Mh.L.J. 616