



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

13 FIRST APPEAL NO.906 OF 2023

**EXECUTIVE ENGINEER URDHAVA PRAVARA PROJECT
DAM DIVISION, GHULEWADI IRRIGATION COLONY,
SANGAMNER**

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Appellant : Mr. Solshe Vinesh C

AGP for Respondent No.1 : Ms. M.L. Sangit

Advocate for Respondent Nos. 2-A to 2-C.3 : S.H. Pathan
h/f Mr. V.Y. Bhide

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CORAM : ARUN R. PEDNEKER, J.

DATE : 04.12.2023

P.C. :

1] Heard the learned counsel for the respective parties.

2] Learned counsel for the appellant submits that the issue involved in the present matter is in respect of granting interest under section 28 of the Land Acquisition Act, i.e. whether it should be from the date of issuance of notification under section 4 of the Act or from the date of the award. Learned counsel for the appellant submits that in

First Appeal No.3260 of 2018 and other connected matters vide order dated 25.10.2018, this Court, by relying on the earlier judgments of this Court, held that the interest component under section 28 of the Act should be from the date of the award.

3] In view of the said, the following order is passed:

ORDER

- i) The award impugned in the present appeal so far as it relates to award of interest under Section 28 of the Act from the date of issuance of Section 4 notification, stand quashed and set aside.
- ii) The interest under Section 28 of the Act shall be made payable to the claimants from the date of declaration of the award under Section 11 of the Act i.e. from 25.05.2001.
- iii) The award be modified accordingly.
- iv) The appeal thus stand partly allowed in the aforesaid terms.

- v) The claimants in the award impugned in the present appeal are permitted to withdraw the amount deposited in these appeal in this Court to the extent they would be held entitled in view of the modified award along with interest accrued thereon. The balance amount be refunded to the acquiring body along with interest accrued thereon.

[ARUN R. PEDNEKER]
JUDGE

S.P.Rane