

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 FIRST APPEAL NO.717 OF 2023
WITH CA/806/2021 IN FA/717/2023

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS
VERSUS
SHANTABAI TULSIRAM TAMBE (DIED) THR LRS. RAMCHANDRA
TULSIRAM TAMBE AND ANOTHER

...
Advocate for Appellants : Mr. Tambe Rahul A.
Advocate for Respondents : Mr. V. V. Ingale
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 23/10/2023

PER COURT :

1. The learned Advocate appearing on behalf of the appellants has placed on record the Judgment delivered by this Court in First Appeal No.993 of 2011 and other connected matters and submitted that the lands involved in the present matter are identically situated and acquired for the same project. The learned Advocate appearing for the respondent does not dispute that the land situated in the present appeals are identical.

2. The learned Advocate appearing on behalf of the appellants submits that the interest awarded by the Reference Court under

Section 28 and 34 of the Land Acquisition Act in the instant case is from the date of the possession. However, in the Full Bench Judgment in *State of Maharashtra Vs. Kailash Shiva Rangari, reported in 2016 All.M.R. (4) 513*, it has been held that, interest under Section 28 and 34 of the Land Acquisition Act can be granted from the date of passing of the award under Section 11 of the Act and not from any prior date.

3. In view of the same, the impugned award passed on 20/01/2016 is modified as aforesaid to the extent. It is directed that the claimants would be entitled to interest under Section 28 and 34 of the Land Acquisition Act from the date of passing of the award under Section 11 of the Act, and thus Clause No.7 of the operative part of the order of the Reference Court is modified accordingly. The appeal is disposed of. Pending applications disposed of accordingly.

4. Excess amount deposited (if any) to be refunded by the Reference Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.