



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

279 FIRST APPEAL NO. 2505 OF 2010

GMIDC AURANGBAD THROUGH EXECUTIVE ENGINEER MINOR IRRIGATION
DIVN LATUR

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Appellant : Mr. B.R. Surwase

AGP for Respondent/State : Mrs. Kavita R. Jamdhade

Advocate for Respondent 2 : Mr. H.B. Nandagavale h/f. Mr. V.G. Sakolkar

...

AND

FIRST APPEAL NO. 2506 OF 2010

GMIDC AURANGBAD THROUGH EXECUTIVE ENGINEER MINOR IRRIGATION
DIVN LATUR

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Appellant : Mr. B.R. Surwase

AGP for Respondent/State : Mrs. Kavita R. Jamdhade

Advocate for Respondent 2 : Mr. H.B. Nandagavale h/f. Mr. V.G. Sakolkar

...

CORAM : ARUN R. PEDNEKER, J.

Dated : October 3, 2024

PER COURT :-

1. Present appeals are preferred by the GMIDC/Acquiring Body against the common judgment and order dated 13.07.2009 passed by the learned Civil Judge, Senior Division, Nilanga in LAR No. 60/2006 and other connected matters.

2. The learned counsel for the original claimants submits that the Special Land Acquisition Officer has granted compensation at the rate of Rs. 580/- to the claimants and the the Reference Court has enhanced the same at the rate of Rs. 1040/- per R. which is not more than four times. The other side agrees with this position.

3. The Government has notified the Government Resolutions dated 3rd November, 2016 and 23rd February, 2017. In the aforesaid Government Resolutions, the State has taken a policy decision, not to challenge the

award wherein the increase in compensation is not more than two times in the city/urban area and not more than four times in rural areas. The State has also accepted the same in the pending appeals also. In the instant cases, if the award of the Special Land Acquisition Officer is considered, the enhancement by the reference court is within four times. If the aforesaid Government resolutions are applied to the present appeals filed by the Acquiring Body, the appeals would not be tenable.

4. The learned counsel for the acquiring body points out that the interest is granted from the date of section 4 notification of Land Acquisition Act and in view of the settled position law in the case of **State of Maharashtra vs. Kailash Shiva Rangari, 2016 AIR (Bom) 141,** he submits that interest would be granted from the date of award. This proposition is not disputed by the learned counsel for the claimants. In view of the above, the impugned Award is modified accordingly to that extent as far as interest is concerned. The State to deposit the awarded amount within eight weeks from today before the Reference Court. The same to be permitted to be withdrawn by the original claimants.

5. In view of the discussion made above, except to the grant of interest as noted above, I hold that there is no merit in the appeals filed by the Acquiring Body as they are not tenable in view of the aforesaid Government Resolutions. In the result, the first appeals are accordingly disposed of.

(ARUN R. PEDNEKER, J.)

ssc/