



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

**FIRST APPEAL STAMP NO. 33401 OF 2012
WITH CA/1496/2013
EXECUTIVE ENGINEER, MEDIUM PROJECT DIV. NANDED
VERSUS
THE STATE OF MAH AND ORS**

**WITH
FIRST APPEAL STAMP NO. 33398 OF 2012
WITH CA/1498/2013
EXECUTIVE ENGINEER, MEDIUM PROJECT DIV. NANDED
VERSUS
THE STATE OF MAH AND ORS**

**WITH
FIRST APPEAL STAMP NO. 33407 OF 2012
WITH CA/1502/2013
EXECUTIVE ENGINEER, MEDIUM PROJECT DIV. NANDED
VERSUS
THE STATE OF MAH AND ORS**

**WITH
FIRST APPEAL STAMP NO. 33390 OF 2012
WITH CA/1504/2013
EXECUTIVE ENGINEER, MEDIUM PROJECT DIV. NANDED
VERSUS
THE STATE OF MAH AND ORS**

**WITH
FIRST APPEAL STAMP NO. 33404 OF 2012
WITH CA/1494/2013
EXECUTIVE ENGINEER, MEDIUM PROJECT DIVN. NANADED
UNDER GMIDC
VERSUS
THE STATE OF MAH AND ORS**

WITH
FIRST APPEAL STAMP NO. 33394 OF 2012
WITH CA/1500/2013
EXECUTIVE ENGINEER, MEDIUM PROJECT DIV. NANDED
VERSUS
THE STATE OF MAH AND ORS

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Mr. B. R. Surwase, Advocate for the Appellant
Mr. N. D. Batule, AGP for Respondent Nos. 1 and 2
Mr. V. B. Dhage, Advocate for Respondent No.3 in FAST/33401/2012

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 08.10.2024

PER COURT :-

1. All these Appeals are preferred by the Acquiring Body, Executive Engineer, Medium Project, Division, Nanded, against the separate judgments and award, as under:-

Sr.	First Appeal Stamp Number	L.A.R. No.	Judgment and Award date
1.	FIRST APPEAL STAMP NO. 33401 OF 2012	45/2009	03.01.2012
2.	FIRST APPEAL STAMP NO. 33398 OF 2012	44/2009	02.01.2012
3.	FIRST APPEAL STAMP NO. 33407 OF 2012	47/2009	07.01.2012
4.	FIRST APPEAL STAMP NO. 33390 OF 2012	77/2009	03.01.2012

5.	FIRST APPEAL STAMP NO. 33404 OF 2012	43/2009	02.01.2012
6.	FIRST APPEAL STAMP NO. 33394 OF 2012	46/2009	07.01.2012

2. The learned Advocate appearing for the Acquiring Body, canvassed that under the impugned judgment and awards, the learned reference Court granted compensation at the rate Rs. 2,80,000/- per Hectare. However, the interest on the compensation granted at the rate 9% p.a. from the date of notification i.e. 10.06.2006, which is contrary to the law laid down in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016 AIR (Bom) 141.*** Therefore, prayed for modification of the award to that extent.

3. Mr. Dhage, the learned Advocate appearing for the claimant submits that though the learned reference Court granted compensation of Rs.2,80,000/- per Hectare and considering the delay while making the payment, the learned reference Court granted interest 9% p.a. from the date of notification, which it itself justifiable.

4. Needless to say that the land of the Respondents/ Claimants acquired by the Appellant / Acquired Body for Urdhav Manar Project, Main Canal, Taluka Loha, District Nanded, under the notification published under Section 4 of the Land Acquisition Act, dated 10.06.2006.

5. The Land Acquisition Officer granted compensation to the tune of Rs.2,20,000/- per Hectare. However, in reference, the learned reference Court enhanced the compensation to the extent of Rs.2,80,000/- per Hectare and granted at the rate 9% p.a. interest from the date of notification i.e. 10.06.2006.

6. In the case of *State of Maharashtra Vs. Kailash Shiva Rangari* cited (supra), and in the case of *State of Maharashtra and others Vs. Ramesh Tukaram Meshram and others, 2018(3) Mh.L.J. 616*, the statutory interest payable under Section 34 is from the date of award and it cannot be from the date of notification. Therefore, the impugned judgments and awards passed by the learned reference Court, are need to be modified. Accordingly, I proceed to pass the following order:-

ORDER

- (i) All the First Appeals are partly allowed.
- (ii) The impugned judgments and awards passed by the learned reference Court, are hereby modified and the Respondents/Claimants are entitled to receive interest at the rate 9% p.a. from the date of award till its realization.
- (iii) In view of the above, all the Civil Applications for stay, are hereby disposed of.

[Y. G. KHOBRAGADE, J.]

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