



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

FIRST APPEAL NO. 1586 OF 2025

Shankar Gangaram Pawar

.. Appellant

Versus

The State of Maharashtra and others

.. Respondents

Shri Ramesh V. Naiknavare, Advocate for the Appellant.

Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 17TH DECEMBER, 2025.

FINAL ORDER :

. Heard both sides. Taken up for final disposal with the consent of the parties.

2. Being aggrieved by the judgment and award dated 13.02.2014 passed in L.A.R. No. 119 of 2003, appellant has preferred this first appeal. He is relying upon judgment dated 18.09.2017 passed in First Appeal No. 1240 of 2017, which was arising out of L.A.R. No. 775 of 2001. By common judgment and award the Reference Court decided present reference as well as other references. The Coordinate Bench has awarded rate of Rs. 1,50,000/- per Hectare, which is sought on the ground of parity.

3. Learned Assistant Government Pleader appearing for the respondents opposes the claim. It is submitted that appellant

has failed to make out independent case seeking enhancement of the rate. The judgment which is relied upon cannot be made applicable to the present case. It is further submitted that reference Court has awarded interest from the date of possession, which is against the settled legal position.

4. By common judgment and award dated 13.02.2014, the Reference Court decided L.A.R. No. 119 of 2003 of the appellant as well as L.A.R. No. 775 of 2001 that of Sanjay Laxminarayan Pardeshi. There is no dispute that lands from village Shiradhon, Tq. Kallamb, Dist. Osmanabd was acquired for percolation tank Shiradhon. The Reference Court awarded rate of Rs. 90,000/- per Hectare. In identical set of facts, this Court enhanced the rate to Rs. 1,50,000/- per Hectare. I do not see any impediment for following the same course. The appellant is bound to succeed on the ground of parity.

5. In the impugned judgment and award interest is awarded from the date of possession, which is impermissible in view of the judgment Full Bench of this Court in the matter of the State of Maharashtra Vs. Kailas Shiva Rangari reported in *2016(4) All MR 513*. Learned A. G. P. is justified in contending that there is huge delay caused in preferring first appeal and appellant cannot be held to be entitled for interest and statutory benefits for the delayed period.

6. I, therefore pass following order.

O R D E R

- A. First appeal is partly allowed.
- B. Appellant is entitled to rate of Rs. 1,50,000/- per Hectare for the acquired land.
- C. The interest U/Sec. 28 and 34 of the L. A. Act shall be payable to the appellant from the date of award i. e. 04.01.1998.
- D. The appellant shall not be entitled to receive interest and statutory benefits for the delayed period of 2851 days.
- E. Save and except above, impugned judgment and award shall remain unaltered.
- F. The appellant shall pay deficit court fees.
- G. Award be drawn up accordingly.
- H. The record and proceedings shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25