



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CIVIL APPLICATION NO. 9653 OF 2023
IN FAST/15562/2023

RAVINDRA PANDURANG PATIL (CHINCHOLE) AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI
PROJECT HATNOOR JALGAON AND ANR

WITH
CIVIL APPLICATION NO. 9654 OF 2023
IN FAST/15555/2023

PANDURANG SUPADU CHINCHOLE (DIED) THROUGH LRS.
RAVINDRA AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-1 UPPER TAPI
PROJECT HATNOOR JALGAON AND ANR

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Advocate for Applicants : Ms. S. A. Kale h/f Mr. Kale Ajeet B.
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.
Advocate for Respondent No.2 : Mr. Pokharkar Darshan D.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 10.12.2025

FINAL ORDER :-

1. Heard both sides.
2. Applicants seek condonation of delay of 4137 days in preferring first appeals for enhancement. It is submitted that for the reasons stated in the applications, delay deserves to be condoned. It is further submitted that present appeals are squarely covered by the consistent view taken by this Court.

3. The applications are contested by the acquiring body and the respondents.

4. The averments of the applications have not been controverted. There is no reason to infer any malafides on the part of the applicants. Applicants are ready to forego the interest and statutory benefits for the delayed period. It is desirable to condone the delay. Delay stands condoned on condition that applicants shall not be entitled to interest and statutory benefits for the delayed period.

5. Civil applications for delay are allowed.

First Appeals Stamp

6. Heard both sides at the admission stage finally with their consent.

7. Learned counsel for the appellants undertakes to pay the deficit court fees within a period of four (4) weeks from today which shall be condition precedent for preparation of the amount.

8. Appellants are challenging common judgment and award dated 05.10.2011 passed in LAR.No.57 of 2004 and 73 of 2004. On the ground of parity appellants are claiming

enhancement of the compensation. They are relying upon judgment in case of *Special Land Acquisition Officer (III) Jalgaon and another Vs. Bhagwat Vithal Sonwane [2009 (4) Mh.L. J. 308]*.

9. The appeals are contested by the respondents on the ground that earlier judgments cannot be made applicable. No interference is called for in the impugned judgment and award. The house properties of the appellants from village Khandgaon, Taluka Jamner, District Jalgaon bearing House Property Nos.279 and 123 were acquired for Waghur Project. This Court has taken consistent view relying upon previous judgments that the rate of 85% of the valuation report can be awarded for the house properties. I find no difficulty in following the same formula. The Reference Court committed patent illegality in awarding inadequate compensation to the appellants. It is desirable to allow the appeals. Hence, I pass the following order :

ORDER

- (i) First Appeals are allowed partly.
- (ii) Impugned judgment and award passed in LAR.Nos.57 of 2004 and 73 of 2004 shall stands

modify to the extent of awarding the compensation for the house properties of the appellants as per 85% of the valuation report submitted in the matters.

- (iii) Save and except, rest of the award shall stand maintained.
- (iv) The appellants shall not be entitled to the interest and statutory benefits for the delayed period.
- (v) The appellants shall pay deficit court fees if any at the time of modification of the award.

(SHAILESH P. BRAHME, J.)

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vmk/-