



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

47 FIRST APPEAL NO. 3202 OF 2025

**PRATIBHABAI RAMCHANDRA AMBHORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND
OTHERS**

...
Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
A.G.P for Respondent Nos. 1 & 2 : Mr. S.V. Hange
Advocate for Respondent No. 3 : Mr. R.B. Shingare

...
**WITH
FIRST APPEAL (STAMP) NO. 18988 OF 2024**

**SAKHARAM S/O CHANDRABHAN DAWANDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND
OTHERS**

...
Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
A.G.P for Respondent Nos. 1 & 2 : Mr. S.V. Hange
Advocate for Respondent No. 3 : Mr. R.B. Shingare

...
**WITH
FIRST APPEAL NO. 3203 OF 2025**

**SURESH RAOSAHEB KADAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND
OTHERS**

...
Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
A.G.P for Respondent Nos. 1 & 2 : Mr. S.V. Hange
Advocate for Respondent No. 3 : Mr. R.B. Shingare

...
**WITH
FIRST APPEAL NO. 3204 OF 2025**

**PRAMOD RAMCHANDRA AMBHURE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND
OTHERS**

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
 A.G.P for Respondent Nos. 1 & 2 : Mr. S.V. Hange
 Advocate for Respondent No. 3 : Mr. R.B. Shingare

...

**WITH
 FIRST APPEAL NO. 3205 OF 2025**

**BHARAT NAMDEORAO AMBHURE AND ANR
 VERSUS
 THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND
 OTHERS**

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
 A.G.P for Respondent Nos. 1 & 2 : Mr. S.V. Hange
 Advocate for Respondent No. 3 : Mr. R.B. Shingare

...

**CORAM : SHAILESH P. BRAHME, J.
 DATE : 26.11.2025**

PER COURT :

Heard both sides. These appeals can be decided finally by common order.

2. The appellants are the original claimants, who are dissatisfied with the judgment and award passed by the reference Court. The acquisition is for construction of minor irrigation tank under Kasura Bruhat Minor Project, at village Shrishti, Tq. Partur, District Jalna. The lands in question are all dry lands. Following are the material particulars necessary for adjudication of the appeals.

Sr. No.	FA No. & (L.A.R. No.)	Land gat no.	U/sec. 4 notification date	U/sec. 11 Award date	SLAO Rate per 'R' at the time of passing of Award	Referen ce Court awarded rate per -R	Date of impugned judgment and award
1)	3202/2025 (174/2005)	39 & 38 06H 41R	06.07.2000	11.12.2003	570/-	1100/-	01.09.2010

2)	ST No. 18988/2024 (196/2005)	368 1H 00R	06.07.2000	11.12.2003	635/-	1100/-	01.09.2010
3)	3203/2025 (1148/10)	38/P 1H 80R	06.07.2000	11.12.2003	570/-	1100/-	12.10.2011
4)	3204/2025 (176/2005)	39 00 H 60 R	06.07.2000	11.12.2003	570/-	1100/-	17.03.2010
5)	3205/2025 (549/1998)	459 06H 74-R	21.09.1995	31.07.1998	390/-	488/-	21.08.2007

3. The learned counsel for the appellants has tendered on record common judgment and order dated 29.04.2025 passed by coordinate bench in First Appeal No. 197/2025 and connected matters. On the ground of parity it is contended that the appellants are entitled to have rate of Rs. 1728/- per Are with additions of escalations per annum. It is submitted that the appellants are entitled to have escalation in the prices in view of the judgments in the matters of **Ali Mohammad Baig & Ors. Vs. State of Jammu and Kashmir; AIR 2017 SC 1518** and **Huchanagouda Vs. Land Acquisition Officer; (2020) 19 SCC 236**, ranging 10% to 20% per annum. It is submitted that considering the parity, the appellants have been awarded inadequate compensation than their entitlement.

4. The learned counsel for Acquiring Body repeals the submissions on the ground that the appellants are unable to demonstrate entitlement for enhanced rate. It is further submitted that reasonable view has been taken by the reference Court and no interference is called for. It is submitted that the parity cannot be attracted in the present appeals. The claim of escalation made by the appellants is illegal and unfounded.

5. I have considered the rival submissions of the parties. Undisputedly, for the self-same project, albeit by different notifications under Section 4 of the Land Acquisition Act, the lands of the claimants from village Shrishti Tq. Partur, were acquired. The coordinate bench has already awarded them rate of Rs. 1728/- per Are for dry land, Rs. 2592/- per Are for semi irrigated land and Rs., 3464/- per Are for fully irrigated land. By speaking order and

relying on the rate granted in L.A.R. No. 272/2014 the rate was arrived at. By referring to the law laid down by the Supreme Court in **Ningappa Thotappa Angadi Vs. Land Acquisition Officer; (2020) 19 SCC 599** it was found fit to enhance the rate. I do not find any difficulty in following the same course to have consistency in the judicial orders.

6. In the present case the Special Land Acquisition Officer awarded compensation to the claimants ranging from Rs. 390/- per Are to Rs. 635/- per Are. Its a matter of record that in first four matters the notification under Section 4 was issued on 06.07.2000, whereas in the last matter it was issued on 21.09.1995. The reference Court enhanced the compensation to Rs. 1100/- per Are in first four appeals. In case of last appeal, it was enhanced to 488/- per Are. The enhancement awarded by the reference Court in all the matters is inadequate and unreasonable. The appellants are entitled to have rate of Rs. 1728/- per Are in addition to the escalations.

7. The coordinate bench did not consider the aspect of the annual escalation. I am guided by law laid down by the Supreme Court in the matters of **Ali Mohammad Baig (supra)** and **Huchanagouda (supra)** to hold the appellants entitled to have escalation. It is permissible to grant escalation from 10% to 12% in case of the time gap of 3 to 5 years, depending on facts and circumstances of the each case. The learned counsel for the appellants has claimed escalation of 15% per annum. I am not inclined to accept the said claim, which is unreasonable.

8. To determine the escalation, it is relevant to notice that notification under Section 4 was issued on 09.01.1997 in L.A.R. No. 272/2014, whereas in the present case in the first four matters the notification was issued on 06.07.2000, after gap of three years and five years. In the last appeal the notification under Section 4 was issued on 1.09.1995, after gap of one year and six months approximately. I am of the considered view that appellants in the first four matters are entitled to get escalation of 11% per annum,

considering the time gap.

9. The learned counsel for the appellant makes a candid statement, on instructions of his client that his client waives escalation and satisfied with the rate of Rs. 1728/- per Are in last matter i.e. First Appeal No. 3205/2025.

10. In view of above discussion, the appellants in First Appeal No. 3202 of 2025, First Appeal (Stamp) No. 18988/2024, first Appeal No. 3203/2025 and First Appeal No. 3204/2025, the calculations of the rate would be as follows:

The date of notification 09.01.1997 (decided in L.A.R. No. 272/2014) is basis for cumulative escalation therefore calculation as per such method is as follows:

Sr. No.	Period (in years)	Basic Amount	Escalation 11%	Total Amount
1.	09.01.1997 to 08.01.1998	Rs.1,728/-	Rs.190.08	Rs.1918.08/-
2.	09.01.1998 to 08.01.1999	Rs.1,918.08/-	Rs.210.98	Rs.2,129.06/-
3.	09.01.1999 to 08.01.2000	Rs.2,129.06/-	Rs.234.19	Rs.2,363.25/-
FOR NEXT 6 MONTHS			Escalation 5.5%	
4.	08.01.2000 to 06.07.2000	Rs.2,363.25/-	Rs.129.97	Rs.2,493.22/-

Therefore, final rate comes to Rs. 2493.22 per Are for dry land.

11. Analysis of the above is that all the appeals succeed. I, therefore, pass following order:

ORDER

(I) First Appeals are allowed.

(II) Impugned judgment and award shall stand modified to the extent of that, appellants in First Appeal Nos. 3202/2025, First Appeal (Stamp) no. 18988/2024, First Appeal No. 2303/2025, First Appeal No. 3204/2025 shall be entitled to rate of Rs. 2493.22 per Are for dry land.

(III) Appellant in First Appeal No. 3205/2025 shall be entitled to rate of Rs. 1728/- per Are.

(IV) Save and except the above, the remaining award shall stand confirmed

(V) Award be drawn accordingly.

(VI) Record and proceedings be sent back to the Trial Court.

(VII) The appellants shall deposit deficit court-fees.

(SHAILESH P. BRAHME, J.)

mkd/-