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

**CIVIL APPLICATION NO. 10488 OF 2013
IN FA/125/2014**

**THE EXECUTIVE ENGINEER, SINA KOLEGAON PROJECT
DIVISION, PARANDA**

.....Petitioner

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Gulab Rajale, Advocate for the applicant
Mr. A. R. Deokate, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 01st AUGUST, 2025

P. C.

1. Heard the learned advocate for the parties.
2. Mr. Rajale, advocate for the applicant submits that the learned court while granting enhancement in LAR has considered the sale deeds which were executed after the date of section 4 notification. Section 4 notification was issued on 13-10-1994 whereas sale deed is executed on 08-11-1994 exh. 21. Another sale deed is dated 09-02-1994 from the different

village. He submits that appellant had relied upon the sale deed dated 29-04-1994 from the same village from which land of claimant is acquired. Second point he argues that in the present case interest under section 28 is awarded from the date of section 4 notification instead of date of award. In the present case award is dated 23-01-1998. The interest is thus awarded since 1994 i.e. four year granting excess.

3. The learned advocate Mr. Deokate submits that for 1-Acre of the land the court has not awarded any compensation holding that already compensation is granted for the trees on the said 1- Acre land. He submits that considering that the appellant be directed to deposit 100% of the amount of compensation as directed by the reference court alongwith interest.

4. Considering the submission, this court find substance in the argument of Mr. Rajale, learned advocate that interest is granted wrongly from the date of section 4 notification instead

of date of award in view of the judgment in the case of State of Maharashtra Vs Kailash Shiva Rangari¹. Considering above following order:

ORDER

a] On condition to deposit 80% of the amount of compensation alongwith interest there shall be stay to the impugned order in terms of prayer clause-B. 25% of the amount of compensation is already deposited. The appellant to deposit remaining amount and to make it 80% within ten weeks from today.

b] It shall be open for the claimant/s to file an application for withdrawal of the said amount, after it is deposited.

c] The application stands disposed off.

[KISHORE C. SANT, J.]

¹ 2016(3)Mh.L.J.457

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