



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 **FIRST APPEAL NO. 1306 OF 2017**

PANDIT KESHAV BAVASKAR

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER,
UPPER TAPI PROJECT HATNOOR-2 JALGAON AND ANOTHER

.....

Advocate for Appellant : Mr. Hemraj P. Kshirsagar
AGP for Respondent No.1 – State : Mr. V. S. Badakh
Advocate for Respondent No.2 : Mr. Vivek V. Tarde

.....

WITH

FIRST APPEAL NO. 1318 OF 2017

GOPAL SITARAM PATIL AND OTHERS

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER- UPPER TAPI PROJECT,
HUTNUR-I, JALGAON AND ANOTHER

.....

Advocate for Appellants : Mr. Hemraj P. Kshirsagar
AGP for Respondent No.1 – State : Mr. V. S. Badakh
Advocate for Respondent No.2 : Mr. Vivek V. Tarde

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 19 SEPTEMBER 2025

PER COURT :

1. Learned counsel for both sides are unanimously agree that order dated 28.02.2024 passed in First Appeal No.706/2007 and other connected First Appeals arise out of the same acquisition as in these Appeals too. They also confirm the fact that Judgment of Division Bench of this Court in case of *Special Land Acquisition Officer (III), Jalgaon Vs.*

Bhagwat Vithal Sonwane, 2009 (4) Mh.L.J. 308 has application to instant proceedings also.

2. However, according to learned counsel for Respondent no.2 modification is required in the said order is that the appellants be entitled to receive the interest from the date of award.

3. Learned counsel for appellants records no objection for such modification. Hence, the following order :-

i) Award of reference Court is modified and the compensation of Rs. 4,00,000/- (Four Lakhs) per hector is granted to the appellants since the land in question is irrigated land.

ii) As far as trees are concerned, claimants are entitled to receive compensation to the extent of 80% amount of valuation report.

iii) Claimants will be entitled for statutory benefits and interest on the enhanced amount of interest however shall be from the date of award till the realization of the amount.

iv) The appellants would not be entitled to receive any interest for the period of delay caused in filing of these appeals.

4. Award is modified accordingly. Hence, both First Appeals stand allowed in above terms.

(ABHAY S. WAGHWASE, J.)