



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 FIRST APPEAL NO. 1778 OF 2024

PRALHAD ANNASAHEB NIRWAL

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR, JALNA AND
OTHERS

AND

906 FIRST APPEAL NO. 2260 OF 2021

GANPAT UTTAMRAO SAKALKAR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

907 FIRST APPEAL NO. 2261 OF 2021

AMBADAS BHANUDAS SAKALKAR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

908 FIRST APPEAL NO. 2262 OF 2021

KARBHARI BAPURAO DUGANE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

909 FIRST APPEAL NO. 2263 OF 2021

SHAIKH BABAMIYA SHAIKH RAHIM

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

910 FIRST APPEAL NO. 2264 OF 2021

NAMDEO TRIMBAK MOGARE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

911 FIRST APPEAL NO. 2265 OF 2021

KAUSHABAI KASHINATH MORE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

912 FIRST APPEAL NO. 2266 OF 2021

VISHVANATH NIVRUTTI DUGANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

913 FIRST APPEAL NO. 2267 OF 2021

DNYANOBA NAMDEO KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

914 FIRST APPEAL NO. 2268 OF 2021

KASHINATH BHUJANGRAO DUGANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

915 FIRST APPEAL NO. 2269 OF 2021

KAUSHALYABAI GOVINDRAO SAKALKAR
VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

916 FIRST APPEAL NO. 2271 OF 2021

MUKTIRAM HARIBHAU PITALE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

917 FIRST APPEAL NO. 2272 OF 2021

MAHADEV VISHWANATH DUGANE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

918 FIRST APPEAL NO. 2273 OF 2021

ASHROBA TUKARAM SONPASARE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

919 FIRST APPEAL NO. 2274 OF 2021

PARUBAI NARAYAN HINGE (DIED) THR LRS PANDIT NARAYAN
HINGE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

920 FIRST APPEAL NO. 2275 OF 2021

MANOHAR AMBADAS KANADE AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

921 FIRST APPEAL NO. 2276 OF 2021

KALYAN RAMRAO SAKALKAR AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

922 FIRST APPEAL NO. 2277 OF 2021

GOVINDRAO ASHROBA SAKALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

923 FIRST APPEAL NO. 2278 OF 2021

DILIP JANARDHAN GUNJAL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

924 FIRST APPEAL NO. 2280 OF 2021

NIVRUTTI NEELOBA DUGANE (DIED) THR LRS VISHWANATH
NIVRUTTI DUGANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

925 FIRST APPEAL NO. 2281 OF 2021

HARIBHAU BAPURAO PITALE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

926 FIRST APPEAL NO. 2282 OF 2021

DEEPAK SHRIKRISHNA SAKALKAR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

927 FIRST APPEAL NO. 2283 OF 2021

SAROJINIBAI SAHEBRAO DUGANE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

928 FIRST APPEAL NO. 2284 OF 2021

GEETARAM AMBADAS KANADE (DIED) THR LRS ANNAPURNA

GEETARAM KANADE AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

929 FIRST APPEAL NO. 2285 OF 2021

LAXMAN BAPURAO DUGANE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

930 FIRST APPEAL NO. 2286 OF 2021

KHOBRAJI RAMBHAU DUGANE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

931 FIRST APPEAL NO. 2287 OF 2021

RAMBHAU KHOBRAJI DUGANE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

932 FIRST APPEAL NO. 2288 OF 2021

UTTAM BAPURAO SAKALKAR (DIED) THR LRS GANPAT AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

933 FIRST APPEAL NO. 2289 OF 2021

ABDUL KHALEK ABDUL WAHED
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

934 FIRST APPEAL NO. 2290 OF 2021

MAHADEV KARBHARI DUGANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

935 FIRST APPEAL NO. 2291 OF 2021

JARINA BEGAM ABDUL KHALEK
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND

936 FIRST APPEAL NO. 2292 OF 2021

RAMRAO DEVRAO SAKALKAR (DIED) THR LRS CHANDRAKALA AND
ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

937 FIRST APPEAL NO. 268 OF 2022

PANDIT NARAYANRAO HINGE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND
938 FIRST APPEAL NO. 2230 OF 2022

VYANKATRAO KONDIBA NAWAL THR HIS GPA BHAUSAHEB
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
939 FIRST APPEAL NO. 2272 OF 2022

PARASRAM DAJIBA MORE (DIED) THR LRS MATHURABAI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
940 FIRST APPEAL NO. 2313 OF 2022

ANSIRAM KONDIBA NAWAL (DIED) THR LRS MAHADEO AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
941 FIRST APPEAL NO. 2493 OF 2022

MATHURABAI PARASRAM MORE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND
942 FIRST APPEAL NO. 4227 OF 2022

PANDIT NARAYAN HINGE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND
943 FIRST APPEAL NO. 4237 OF 2022

DNYANOBA PANDITRAO HINGE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND
944 FIRST APPEAL NO. 137 OF 2023

KASHINATH BHUJANGRAO DUGANE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND
945 FIRST APPEAL NO. 252 OF 2023

VISHNU KASHINATH MORE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

AND
946 FIRST APPEAL NO. 254 OF 2023

BAPURAO HARIBHAU PITALE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

Shri. Deepak M. Kakade and Shri. V. D. Bhise, Advocate for Apellants in respective First Appeals
Smt. M. N. Ghanekar and Shri. N. R. Dayma, AGP in respective First Appeals
Shri. Shyam C. Arora, Shri. R. H. Wagh, Shri. A. N. Gaddime, Shri. Akash D. Gade, Shri. Mahesh C. Swami, Shri. B. R. Survase and Mrs. Kalpalata Patil Bharaswadkar (V/C), Advocates for Acquiring Body in respective First Appeals.

CORAM : SHAILESH P BRAHME, J.
DATE : 11.12.2025

JUDGMENT :-

. First Appeal No.2270 Of 2021 is removed from board.
First Appeal No.2269 of 2021 is not on board. After mentioning, taken on board.

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

3. The appellants, who are original claimants, have preferred these First Appeals for enhancement, being dissatisfied with the fact that the enhancement has not been granted by the Reference Court by applying annual escalations. The issue is already covered by earlier judgments. The facts and circumstances of all the appeals are identical substantially, hence I propose to decide the appeals by common judgment.

4. The acquisition in question is in respect of the 'Nimnna Dudhana' project. The lands which are under acquisition are from village Mapegaon, Taluka Partur, District Jalna. Those are being

classified into dry land, seasonal irrigated land, irrigated land and pot kharab land. Interestingly, the classification made by the Reference Court as well as rate awarded for the land have not been disputed by both parties to the present appeals. The learned counsels appearing for the appellants have made candid statement that the rate awarded by Reference Court of Rs.2500/- per Are for dry land, Rs.3750/- per Are for seasonal irrigated land, Rs.5000/-per Are for irrigated land and Rs.1250/-per Are for pot kharab land are not under challenge.

5. Following material particulars are useful for deciding the controversy :

Sr. No.	Name of Parties	FA NO.	LAR NO.	Gut No.	Acquired Area In ARE			
					Dry Land.	Seasonal Irrigation	Irrigated Land	Pot kharab
1.	PRALLAHD ANNASAHEB NIRWAL	1778/2024	376/2014	11/2	0	214	0	0
2.	GANPAT UTTAM SAKALKARV/S STATE OF MAH. & OTHERS	2260/2021	43/2011	5/B	143	0	0	0
3.	AMBADAS BHANUDAS SAKALKARV/S STATE OF MAH. & OTHERS	2261/2021	39/2011	19/2 K	222	0	0	4
4.	KARBHARI BAPURAO DUGANEV/S STATE OF MAH. & OTHERS	2262/2021	38/2011	18/2 ,42/2	44	73	16	0
5.	SK BABAMIYA SK. RAHIMV/S STATE OF MAH. & OTHERS	2263/2021	466/2011	20/2,22/1	160	0	0	0
6.	NAMDEO TRIMBAK MOGAREV/S STATE OF MAH. & OTHERS	2264/2021	783/2011	8/1-B,93/A	163	0	0	0
7.	SMT. KAUSHABAI KASHINATH MOREV/S STATE OF MAH. & OTHERS	2265/2021	483/2011	62/2&65/3 B	825	0	0	4
8.	VISHAWANATH NIVRUTI DUGANEV/S STATE OF MAH. & OTHERS	2266/2021	482/2011	53/2	0	165	0	0
9.	DNYANOBA NAMDEO KAKDEV/S STATE OF MAH. & OTHERS	2267/2021	462/2011	53/3, 43/4, 14/6, 7A	275	23	0	12
10.	KASHINATH BHUJANGRAO DUGANE V/S STATE OF MAH. & OTHERS	2268/2021	782/2011	14/5,7K	44	0	0	0

11.	KAUSHALYABAI GOVINDRAO SAKALKAR V/S STATE OF MAH. & OTHERS	2269/2021	478/2011	65/3A	127	0	0	0
12.	MUKTIRAM HARIBHAU PITALE V/S STATE OF MAH. & OTHERS	2271/2021	28/2011	72/2	170	0	0	0
13.	MAHADEV VISHAWANATH DUGANE V/S STATE OF MAH. & OTHERS	2272/2021	480/2011	43/9E,43/9B	129	0	0	0
14.	ASHRUBA TUKARAM SONPASARE V/S STATE OF MAH. & OTHERS	2273/2021	459/2011	48/2B	83	0	0	1
15.	SMT PARUBAI NARAYAN HINGE V/S STATE OF MAH. & OTHERS	2274/2021	481/2011	66/2	155	0	0	0
16.	MANOHAR AMBADAS KANADE V/S STATE OF MAH. & OTHERS	2275/2021	465/2011	72/4	171	0	0	0
17.	KALYAN RAMRAO SAKALKAR V/S STATE OF MAH. & OTHERS	2276/2021	30/2011	89/A, B	196	0	0	0
18.	GOVINDRAO ASHRUBA SAKALKAR V/S STATE OF MAH. & OTHERS	2277/2021	37/2011	64/2	0	133	0	0
19.	DILIP JANADHAN GUNJAL V/S STATE OF MAH. & OTHERS	2278/2021	471/2011	68,69	125	138	0	0
20.	NIVRUTTI NILOBA DUGANE V/S STATE OF MAH. & OTHERSV	2280/2021	31/2011	14/6,7/B, 14/4, 43/6	116	0	0	0
21.	HARIBHAU BAPURAO PITALE V/S STATE OF MAH. & OTHERSV	2281/2021	468/2011	96/4, 5	271	40	0	3

22.	DEEPAK SHRIKRUSHNA SAKALKAR V/S STATE OF MAH. & OTHERSV	2282/2021	463/2011	3/1A	53	133	0	0
23.	SMT. SAROJANIBAI SAHEBRAO DUGANE V/S STATE OF MAH. & OTHERSV	2283/2021	35/2011	43/4	74	0	0	0
24.	GEETARAM AMBADAS KANADE V/S STATE OF MAH. & OTHERSV	2284/2021	4/2012	72/3,72/4	163	7	0	0
25.	LAXMAN BAPURAO DUGANE V/S STATE OF MAH. & OTHERSV	2285/2021	46/2011	21/2/3, 24/2, 42/2	151	83	0	0
26.	KHOBRAJI RAMBHAU DUGANE V/S STATE OF MAH. & OTHERSV	2286/2021	464/2011	15/K	100	0	0	0
27.	RAMBHAU KHOBARAJI DUGANE V/S STATE OF MAH. & OTHERSV	2287/2021	474/2011	60/B,15/B, 92/B	559	0	0	9
28.	UTTAM BAPURAO SAKALKAR V/S STATE OF MAH. & OTHERSV	2288/2021	52/2011	39/A	101	0	0	14
29.	ABDUL KHALEK ABDUL WAHED V/S STATE OF MAH. & OTHERS	2289/2021	50/2011	2/A,2/ B,9/A,9/ B,10/A	0	1346	83	6
30.	MAHADEV KARBHARI DUGANE V/S STATE OF MAH. & OTHERSV	2290/2021	47/2011	30/2	128	0	0	1
31.	SMT. JARINA BEGUM ABDUL KHALEK V/S STATE OF MAH. & OTHERSV	2291/2021	41/2011	56	84	33	0	3
32.	RAMRAO DEVRAO SAKALKAR V/S STATE OF MAH. & OTHERSV	2292/2021	42/2011	39/ E,25/1A,26 ,43/3,39/E	419	67	0	0

33.	PANDIT NARAYAN HINGE V/S STATE OF MAH. & OTHERSV	268/2022	48/2011	66/2	156	0	0	0
34.	VYANKATRAO KONDIBA NAWAL THR HIS GPA BHAUSAHEBTHE STATE OF MAHARASHTRA AND ORS	2230/2022	477/2011	26	320	0	0	0
35.	PARASRAM DAJIBA MORE (DIED) THR LRS MATHURABAI AND ANRTHE STATE OF MAHARASHTRA AND ORS	2272/2022	833/2011	62/1 65/1	801	0	0	3
36.	ANSIRAM KONDIBA NAWAL (DIED) THR LRS MAHADEO AND ANRTHE STATE OF MAHARASHTRA AND ORS	2313/2022	457/2011	26	212	0	27 R	0
37.	MATHURABAI PARASRAM MORETHE STATE OF MAHARASHTRA AND ORS	2493/2022	461/2011	65/1B	67	0	0	0
38.	PANDIT NARAYAN HINGE V/S STATE OF MAH. & OTHERS	4227/2022	831/2011	66/2	61	0	0	
39.	DNYANOBA PANDITRAO HINGE V/S STATE OF MAH. & OTHERSV	4237/2022	458/2011	66/2	155	0	0	0
40.	KASHINATH BHUJANGRAO DUGANE V/S STATE OF MAH. & OTHERS	137/2023	484/2011	58/1,2	82			6
41.	VISHNU KASHINATH MOREV/S STATE OF MAH. & OTHERS	252/2023	479/2011	65/2	392	0	0	
42.	BAPURAO HARIBHAU PITALE V/S STATE OF MAH. & OTHERSV	254/2023	51/2011	72/2	169	0	0	1

6. In all the appeals, notification under Section 4 was issued on 11.07.2002. The Award under Section 11 was passed on 11.02.2006. The Reference Court by impugned judgment and award in each appeal awarded rate of Rs.2500/- per Are for dry land, Rs.3750/- per Are for seasonal irrigated land, Rs.5000/-per Are for irrigated land and Rs.1250/-per Are for pot kharab land.

7. Learned counsel for the appellants submits that the Reference Court committed patent illegality in depriving the appellants from annual escalation. The rule of annual escalation laid down by the Supreme Court in the matter of Huchanagouda vs. The Assistant Commissioner and Land Acquisition Officer and Ors. ought to have been followed. The reliance is placed on following judgments :

(1) Ali Mohammad Beigh and Ors vs. State of J & K reported in AIR 2017 SC 1518

(2) Godavari Marathwada Irrigation Development Corporation and Others vs. Vajjnath Rangnath Manvatkar reported in First Appeal Stamp No.17242 of 2014 with connected matters.

(3) Judgment dated 11.09.2018 of Supreme Court in Vishvanath s/o Narayan Late etc. vs. State of Maharashtra

(4) Judgment dated 19.08.2022 of High Court in

Shashikala Bapurao Manwatkar vs. The State of Maharashtra reported in First Appeal No.1958 of 2018 with connected matters.

(5) Common judgment dated 07.02.2023 of High Court in First Appeal No.1351 of 2009 and connected matters.

(6) Judgment dated 14.07.2022 of High Court in First Appeal No.2939 of 2012 with connected matters.

(7) Order dated 20.10.2023 of Supreme Court in The Executive Engineer Jalna vs. Ankitabai Damodar Honde

(8) Judgment dated 14.11.2025 of High Court in First Appeal No.2259 of 2021.

(9) Ningappa Thotappa Angadi (Dead) Through Legal Representatives vs. Special Land Acquisition Officer and Another reported in (2020) 19 Supreme Court Cases 599

(10) Union of India vs. Bal Ram and Another reported in AIR 2004 SC 3981.

8. Learned counsel appearing for the respondent-acquiring body and learned AGP vehemently contest the matter. It is submitted that the appellants have failed to prove that the acquired lands are identically situated for claiming the enhancement. The ground of parity cannot be pressed into service blindly. It is further submitted that the escalation by cumulative effect cannot be permitted to be applied. It is submitted that no case in made out for enhancement by

applying belting system. The reliance is also placed on the village map to show that the locations of the village from which lands are acquired and the difference in geographical situations. The reliance is placed on following judgments :

- (1) Bhule Ram vs. Union of India and Anr. reported in 2014 SC 1957.**
- (2) Chandrashekhar and Ors. vs. Addl. Special Land Acquisition Officer, reported in AIR 2009 SC 3012**

9. It is relevant to note that the acquiring body has not preferred any appeal challenging impugned judgment and award passed by the Reference Court. The appellants have no grievance for the rate of Rs.2500/- per Are awarded for the dry land and consequential rates considering type of land.

10. When the lands were acquired from village Satona, the notification was published on 31.03.1996. The Reference Court vide judgment dated 15.04.2009 in LAR No.59 of 2002 fixed the rate of Rs.2500/- per Are for dry land and consequently Rs.1250/- per Are for Pot Kharab land. First Appeal Stamp No.17242 of 2014 which was preferred by the acquiring body was withdrawn. On the basis of the

rate fixed for the lands from village Satona, the claimants whose lands were acquired from Village Deola and Raniwahegaon and who had been given compensation at a lesser rate, approached the Supreme Court in the matter of **Vishvanath s/o Narayan Late** (supra). The matter was remanded to High Court vide order dated 11.09.2018 considering the disparity in the rates.

11. The coordinate bench in First Appeal No.1958 of 2018 while deciding the appeals in respect of the lands from village Raniwahegaon and Deola acquired for selfsame project, approved the rate of Rs.2400/- per Are which was accepted in other matters before Lok Adalat. Thereafter, by common judgment dated 07.02.2023, the claimants whose lands from village Deola were acquired had approached the High Court and First Appeal No.1351 of 2009 and connected matters were decided, awarding rate of Rs.2400/- per Are for dry land relying on the rates fixed in earlier litigation. In First Appeal No.2939 of 2021, the High Court allowed the First Appeal by approving the rate of Rs.2250/- per Are for dry land. A deduction of 10% was considered in the matter and the lands were from village Hondegaon.

12. The judgment referred above passed in First Appeal No.2939 of 2021 and connected matters was challenged in the Supreme Court by the acquiring body and Special Leave Petition (SLP) was dismissed on 20.10.2023. Lastly, this Court had the occasion to consider the rate in respect of acquisition of the land from village Mapegaon. Considering the previous judgments as well as the selfsame submissions made by the counsels of the acquiring body, the rate of Rs.2500/- per Are which was fixed for lands from village Satona was approved in First Appeal No.2259 of 2021. The geographical position considering the map was also dealt with.

13. In view of the above history of litigation, it is evident that a consistent view has been taken by the Courts in awarding rate of Rs.2500/- per Are for dry land. Appellants have rightly relied on the judgment of **Ali Mohammad Beigh and Ors** (Supra). It is apposite to refer to Paragraph Nos.13 and 14 which as follows :

“13. When the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to discriminate between the land owners unless there are strong reasons. In *Union of India vs. Bal Ram and Another* (2010) 5 SCC 747, this Court held that if the purpose of

acquisition is same and when the lands are identical and similar though lying in different villages, there is no justification to make any discrimination between the land owners to pay more to some of the land owners and less compensation to others. The same was the view taken in Union of India vs. Harinder Pal Singh and Others. (2005) 12 SCC 564, where this Court held as under:-

“15. We have carefully considered the submissions made on behalf of the respective parties and we see no justification to interfere with the decision of the Division Bench of the Punjab and Haryana High Court which, in our view, took a pragmatic approach in fixing the market value of the lands forming the subject-matter of the acquisition proceedings at a uniform rate. From the sketch plan of the area in question, it appears to us that while the lands in question are situated in five different villages, they can be consolidated into one single unit with little to choose between one stretch of land and another. The entire area is in a stage of development and the different villages are capable of being developed in the same manner as the lands comprised in Kala Ghanu Pur where the market value of the acquired lands was fixed at a uniform rate of Rs 40,000 per acre. The Division Bench of the Punjab and Haryana High Court discarded the belting method of valuation having regard to the local circumstances and features and no cogent ground has been made out to interfere with the same.

16. In our view, in the absence of any contemporaneous document, the market value of the acquired lands of Village Kala Ghanu Pur which were acquired at the same time as the lands in the other five villages was correctly taken to be a comparative unit for determination of the market value of the lands comprising the lands forming the subject-matter of the acquisition proceedings under

consideration.....”

14. When the lands are acquired at the same time and for the same purpose that is for resettlement of Dal dwellers, the lands situated in three different villages namely, Chandapora, Bhagichandpora and Pazwalpora, and since the land is similar land, it would be unfair to discriminate between the land owners and other references and the appellants who are the land owners in Reference No.15 and pay less that is Rs.2,50,000/- per Kanal to the appellants and pay more to other land owners that is Rs.4,00,000/- per Kanal. Impugned judgments of the High Court in CIA No. 211/2009 and Cross Appeal No. 64/2011 are to be set aside by enhancing the compensation to Rs.4,00,000 per Kanal. As a sequel to this, the order passed in review is also to be set aside.”

14. This Court is bound by law laid down by the Supreme Court. If the lands identical in nature but situated in different villages would fetch same rates if they are acquired for selfsame project and the villages form a cluster.

15. In Case of **Huchanagouda** (Supra), it is laid down by the Supreme Court that annual escalation by cumulative effect is permissible. In the present matters, the difference is more than six years from 31.03.1996 to 11.07.2002. Appellants are entitled to have escalation of 10% per annum for six years. I find no merit in the objection raised by acquiring body in respect of escalation as well as cumulative effect.

16. The respondents did not lead any evidence before the Reference Court. They did not challenge the impugned judgment and award. Considering peculiar geographical situation and the village map, I find no substance in the submission of the respondent that belting system has not been applied for fixing the rate. It cannot be overlooked that the lands under acquisition are interior rural lands. No National Highway, State Highway or road is seen in the vicinity. The objection regarding belting system was not taken by acquiring body before the Reference Court. Judgment of **Bhule Ram vs. Union of India** (supra) will not help respondents.

17. For the reasons stated above, I find that all the appeals deserve to be allowed partly. Appellants are entitled to have the following rates, considering the escalation for six years with cumulative effect :

- (a) Rs.4426/- per Are for dry land
- (b) Rs.2213/- per Are for pot kharab land
- (c) Rs.6639/- per Are for semi-irrigated land
- (d) Rs.8852/- per Are for irrigated land

18. I, therefore, pass the following order :

ORDER

- (i) All First Appeals are allowed partly.
- (ii) Impugned judgment and award passed by the Reference Court shall stand modified to the extent that appellants are entitled to have the following rates :
 - (a) Rs.4426/- per Are for dry land
 - (b) Rs.2213/- per Are for pot kharab land
 - (c) Rs.6639/- per Are for semi-irrigated land
 - (d) Rs.8852/- per Are for irrigated land, considering the nature of their land classified by the Reference Court.
- (iii) Save and except above modification, rest of the impugned judgment and award shall remain unaltered.
- (iv) Award by drawn accordingly.
- (v) Appellants shall pay the deficit court fees.
- (vi) R and P be sent back to the Reference Court.
- (vii) Appellants shall not be entitled to the interest and statutory benefits for the delayed period.

(SHAILESH P. BRAHME, J.)