



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 FIRST APPEAL NO. 1952 OF 2021

KONDIBA LAXMAN BARSale
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Appellant : Mr. Kakade Deepak M.
AGP for Respondent/s-State : Mr. _
Advocate for Respondent No.3 : Mr. S. C. Arora.

...

CORAM : SHAILESH P. BRAHME, J.
DATE : 22.12.2025

FINAL ORDER:-

1. Heard both sides finally with their consent.
2. Being aggrieved by the judgment and award dated 20.09.2012 passed in LAR.No.99 of 2012, the original claimants are before this Court. They are relying upon the consistent view taken in various matters arising out of the acquisition for Nimna Dudhana Project.
3. Learned counsel has tendered on record compilation of the judgments.
4. Learned counsel Mr. Arora appearing for the acquiring body would submit that ground of parity would not be attracted in the present matter. Appellant has failed to make

out any case for enhancement and appeal is liable to be dismissed.

5. Appellant's land Gut No.1/2 measuring 3 H. 25 R. was acquired for Nimna Dudhana Protect. The notification under Section 4 was issued on 25.06.2000. The award was passed on 26.05.2003. SLAO fixed the rate of Rs.750/- per R. which is enhanced by the Reference Court to Rs.2500/- per R. The land in question is a dry land. Appellant is claiming escalation @ 10% for three years. By cumulative effect, the claim is for 3659/- per R. for dry land.

6. The issue involved in the appeal is no more res-integra. Consistently this Court has taken view that the claimants are entitled to Rs.2500/- per R. for dry land with escalation by cumulative effect, if it is applicable. Following are the judgments :

- (i) Datta Eknath Manwatkar Vs. The Special Land Acquisition Officer, Jalna in FA.No.4285 of 2022.
- (ii) Shashikala Bapurao Manwatkar Vs. The State of Maharashtra and others in FA.No.1958 of 2018 & another.
- (iii) Pralhad Vs. State of Maharashtra in FA.No.1778 of 2024 & others.
- (iv) Abdul Hussain in FA.No.354 of 2022

7. This Court dealt with various submissions of both the sides and followed the rate of Rs.2500/- per R. for dry land. The claimants are also held entitled to escalation @ 10% per R. Present case is squarely covered by consistent view. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive the rate of Rs.3659/- per R. for dry land.
- (iii) Appellant shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
- (iv) Save and except above modification. Rest of the impugned judgment and award shall unaltered.
- (v) The appellant shall not be entitled to interest and statutory benefits for the delayed period.
- (vi) The appellant shall pay deficit court fees, if any.
- (vii) Award be drawn accordingly.

(viii) Record and proceeding be sent back to the concerned Court.

(SHAILESH P. BRAHME, J.)

...

vmk/-