

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 887 OF 2025
WITH INTERIM APPLICATION NO. 13129 OF 2024**

Union Of India through
The General Manager, Central Railway,
Head office CST, Mumbai,

...Appellant
(Orig. Resp. No.1)

Versus

1. Abaso Ganpat Ghadge
Age-71 years, Occu: Agriculture
residing at Budhwar Peth,
Phaltan, Taluka-Phaltan,
District – Satara.

...Orig. Applicant.

2. The Sub-Divisional Officer, Phaltan
& the Special land Acquisition Officer,
Phaltan, Taluka-Phaltan,
District: Satara.

...Orig. Resp. No.2.
....Respondents

**WITH
FIRST APPEAL NO. 888 OF 2025
WITH INTERIM APPLICATION NO.13131 OF 2024**

Union Of India through
The General Manager, Central Railway,
Head office CST, Mumbai,

...Appellant
(Orig. Resp. No.1)

Versus

1. Bharati Ganpat Bendre
age-54 years, Occ: Agriculture,
resident of Kasba Peth,
Phaltan, Taluka-Phaltan,
District: Satara.

...Orig. Applicant.

2. The Sub-Divisional Officer, Phaltan
& the Special land Acquisition Officer,
Phaltan, Taluka-Phaltan,
District: Satara.

...Orig. Resp. No.2.

....Respondents

**WITH
FIRST APPEAL NO. 890 OF 2025
WITH INTERIM APPLICATION NO.13127 OF 2024**

Union Of India through
The General Manager, Central Railway,
Head office CST, Mumbai,

...Appellant
(Orig. Resp. No.1)

Versus

1. Chandrakant Baburao Boke
age-54 years, Occupation: Agriculture
R/o Kasba Peth, Brahman Galli
Phaltan, Taluka-Phaltan,
District – Satara.

...Orig. Applicant.

2. The Sub-Divisional Officer, Phaltan
& the Special land Acquisition Officer,
Phaltan, Taluka-Phaltan,
District: Satara.

...Orig. Resp. No.2.

**WITH
FIRST APPEAL NO. 889 OF 2025
WITH INTERIM APPLICATION NO.13169 OF 2024**

Union Of India through
The General Manager, Central Railway,
Head office CST, Mumbai,

...Appellant
(Orig. Resp. No.1)

Versus

1. Pramod Lalasaheb Jagtap
age-45 years, Occupation-Agriculture
R/o Mahatpura Peth,
Phaltan, Taluka-Phaltan,
District : Satara.

...Orig. Applicant.

2. The Sub-Divisional Officer, Phaltan
& the Special land Acquisition Officer,
Phaltan, Taluka-Phaltan,
District: Satara.

...Orig. Resp. No.2.

**WITH
FIRST APPEAL NO. 893 OF 2025
WITH INTERIM APPLICATION NO.13125 OF 2024**

Union Of India through
The General Manager, Central Railway,
Head office CST, Mumbai,

...Appellant
(Orig. Resp. No.1)

Versus

1. Ranjana Sadashiv Taware
age-54 years, occ:- Agriculture
residing at Mahatpura Peth,
Phaltan, Taluka-Phaltan,
District- Satara.

...Orig. Applicant.

2. The Sub-Divisional Officer, Phaltan
& the Special land Acquisition Officer,
Phaltan, Taluka-Phaltan,
District: Satara.

...Orig. Resp. No.2.

.....

Adv. R. P. Ojha a/w Mr. Anchit Ojha and Mr. Ankit Ojha for Appellant.
Mr. Abhijit B. Kadam a/w Ashish A. Chavan for the Respondents.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 26th SEPTEMBER 2025

ORAL JUDGMENT :

1. The issues involved in all these Appeals are same, hence
I am deciding all these appeals by this common Judgment.

2. It is contention of learned counsel for Appellant that the
references were made by the Respondents for enhancement of
compensation amount before the learned District Judge, Satara in
land acquisition matters. The learned District Judge has allowed the

appeals and enhanced the compensation amount and directed the Appellant to pay the compensation amount @ 15% p.a. from the year 2007. Learned counsel further submitted that the references were dismissed for default in the year 2014. Thereafter, the applications were filed for restoration. The said applications were allowed and some references were restored in the year 2021 and some references were restored in the year 2022. As references were dismissed for default due to non prosecution by the respondents, the learned District Judge should not have granted interest for the period 2014 to 2021 and 2022. Learned counsel further submitted that the hearing of references was delayed due to the respondents only. The appellant is a Government Authority. The compensation will be paid from the amount of tax payers. Hence, requested to allow the appeals and reduce the interest amount for delayed period. Learned counsel further submitted that except the interest for above period, the Appellant has deposited the entire award amount.

3. The learned counsel for the Appellant has relied upon *Mohar Singh (Dead) Thr. Lrs. And Ors. Vs. State of Uttar Pradesh Collector and Ors. (2023) INSC 1019 : (2023) 14 SCR 842* and *The Executive Engineer, Nimna Dudhna Project, Selu, District Parbhani, Maharashtra Vs. The State of Maharashtra and Ors. Etc. Etc. (2020)*

AIR (SC) 717 and Balu Vithoba Lavate Vs. The State of Maharashtra and Ors. In WP/3901/2022.

4. It is contention of learned counsel for respondents that the references were filed for enhancement of compensation. After filing of the references, though learned counsel for the Appellant appeared before the trial Court but written statement was not filed. Hence, no WS order was passed against the appellant. Thereafter, the respondents filed affidavit of evidence and an ex-parte order was passed against the appellant. The appellant did not contest the matter before the trial Court. Learned counsel further submitted that after dismissal of the references, restoration applications were filed immediately along with applications for condonation of delay. The said delay was condoned and the applications for restoration were pending. It was not fault of the respondents as the concerned Court was vacant for a long period. The said restoration applications were allowed and some references were restored in the year 2021 and some references were restored in the year 2022. Therefore, the respondents cannot be blamed for pendency of restoration applications and delay in passing order on it. The respondents are entitled for interest from the date of filing references. Hence, requested to dismiss the appeals.

5. I have heard both the learned counsels, perused impugned judgment and award. The contesting issue is awarding interest on compensation amount for the period when restoration applications were pending before the reference Court. In my view, admittedly appellant was party before the trial Court, but the appellant did not file written statement nor contested the references before the learned trial Court. After dismissal of the references, the respondents had filed applications for restoration along with delay condonation applications. The learned Judge has condoned the delay for filing the restoration applications but did not pass an order on restoration applications. It was passed in some applications in the year 2021 and in some applications in the year 2022.

6. In my view, it is a settled principle of law that delays caused by procedural issues should not deprive a landowner of their right to just and fair compensation.

7. In the case of **Secretary, Irrigation Department, Government of Orissa Vs G.C. Roy (1992) 1 SCC 508**, the Supreme Court has observed as follows :

“a person deprived of the use of money to which he is legitimately entitled has a right to be compensated for the deprivation, call it by any name. It may be called interest, compensation, or damages.”

8. The same principle was reiterated in **Sunder v. Union of India (2001) 7 SCC 211**, where the Supreme Court held that -

“The purpose of interest payable under Section 34 And Section 28 has been held to be to compensate unpaid landowner who, on the one hand, has been deprived of the possession of his land in pursuance of compulsory acquisition , and, on the other hand, has also been kept out of the use of the money due to him for the acquisition by not being paid the money in lieu of possession either in full or in part.”

9. Recently, the Apex Court in **Union of India v. Raja & Ors. (2025) 1 SCC 517**, held that -

“The grant of additional interest is an integral part of the expansive expression compensation”.

In above case, the court refused to interfere with the interest awarded by the High Court on the amount of compensation payable to the land-owners for the period that they were dispossessed and the land was utilized.

10. It is pertinent to note that the respondents are poor agriculturalists residing in remote rural areas struggling to make ends meet. They are not well versed with their legal rights. It is respondents contention that the restoration applications were not decided because the concerned court was vacant.

11. The compensations awarded to the respondents were inadequate. Hence, they had filed references for enhancement of

compensation. The restoration applications were pending before the court. The Respondents cannot be said to be at fault for the same. This court is mindful of the fact that litigants cannot be penalised for procedural delays.

12. In view of above, I pass following order:

ORDER

- (i) All appeals are dismissed and disposed off;
- (ii) All pending applications, if any disposed off.

13. Learned counsel for the Appellant submits that interim order be continued for a period of eight weeks from receipt of this order.

14. Considering the submission of learned counsel for the Appellant, interim order to continue for a period of eight weeks in all appeals from receipt of this order.

(SHIVKUMAR DIGE, J.)