IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 FIRST APPEAL NO. 422 OF 2007

THE EXECUTIVE ENGINEER LATUR
VERSUS
SHARAD SHAHURAJ MANE AND ORS
...
Ms. Kalpalata Patil Bharaswadkar, Advocate for Appellant.
Mr. S. B. Jadhav, AGP for Respondent-State.
Mr. Balasaheb K. Pawar, Advocate for Respondent No.1.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 28th OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1993, the appeal is heard finally with the consent of the learned Advocates for the respective parties.

2. By this appeal, the Appellants are aggrieved by the Judgment and award dated 20.10.2006 passed by the learned Civil Judge Senior Division at Nilanga in L.A.R. No.841/1998.

3. Both the learned Advocates for the respective parties submit that the compensation enhanced by the learned Reference Court does not exceed four times the amount awarded by the SLAO.

4. In fact the State Government vide Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 03.11.2016 with Corrigendum dated 23.02.2017 and 13.08.2018 to the said

Government Resolution, took a decision not to challenge the reference, if compensation is enhanced only upto four times.

5. Therefore, interference in the quantum of compensation is not warranted.

6. However, the perusal of impugned award reveals that the learned Reference Court has granted interest under Section 28 from the date of notification, which is contrary to the law laid down by the Full Bench of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari***, reported in ***2016(3) Mh.L.J. 457***. Therefore, to that extent interference is warranted with the impugned award. Hence, I proceed to pass the following order:-

ORDER

(i) The first appeal is partly allowed.

(ii) The Claimant shall be entitled to interest under Section 28 of the Act from the date of the award as per Full Bench judgment of this Court in ***Kailash Shiva Rangari (supra)*** and to that extent, Clause 3 of the operative part of the impugned award stands modified.

(iii) Rest of the impugned award stands confirmed.

(iv) The Claimant is permitted to withdraw the amount with interest accrued thereon, after calculating the amount

of interest under Section 28 of the Act from the date of award as aforesaid.

(v) The bank guarantee, solvent security/surety or undertaking, as the case may be, if any, stands discharged.

(vi) Pending civil applications, if any, are also disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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