IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 9262 OF 2022
IN FAST/2798/2022
WITH
CIVIL APPLICATION NO. 9263 OF 2022
IN FAST/2798/2022
(arising out of L.A.R.No.402 of 2011)

THE EX. ENGINEER, OSMANABAD MEDIUM PROJECT DIV. PARANDA AND ANR
VERSUS
YOURAJ BHIVAJI KOKATE
...
Mr. G. B. Rajale, Advocate for Applicant

AND
CIVIL APPLICATION NO. 9260 OF 2022
IN FAST/2795/2022
WITH
CIVIL APPLICATION NO. 9261 OF 2022
IN FAST/2795/2022
(arising out of L.A.R.No.489 of 2011)

THE EX. ENGINEER, OSMANABAD MEDIUM PROJECT DIV. PARANDA AND ANR
VERSUS
MOHAN BHAGWAN KULKARNI AND ORS
...
Mr. G. B. Rajale, Advocate for Applicants
...

CORAM : AJIT B. KADETHANKAR, J.

DATED : 14th October 2026

P.C. :-

CIVIL APPLICATION NO. 9262 OF 2022
CIVIL APPLICATION NO. 9260 OF 2022

. These applications are filed seeking condonation of delay of 2492 days caused in filing the respective first appeals.

None appears for the respondent though served. The reasons for condonation of delay are explained in paragraph Nos.2 to 6 of the applications. It is submitted that delay has not arisen out of any lethargy or negligence. The reason of administrative exigency is given in the applications. It is also submitted that the acquiring body has even deposited entire award amount in this Court. It is further submitted that the appeals can be disposed of since the objection raised in the appeals is already decided by this Court in identical other cases.

2. For the reasons stated in the applications and under the guidelines laid down by the Hon'ble Supreme Court in the case of ***Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023]***, I find that the applications deserve to be allowed.

3. Hence I pass following order :

O R D E R

I. Civil Applications are allowed.

II. Delay of 2492 days caused in filing the first appeals stands condoned.

III. First Appeals be registered, subject to removal of office objections, if any.

FIRST APPEALS

4. Taking exception to the impugned judgment and award dated 31.12.2014 passed by the learned Civil Judge, Senior Division, Paranda in Land Acquisition Reference Nos.402 of 2011(Old No.606 of 2001) and 489 of 2011(Old No.1039 of 2002), the acquiring body has filed the First Appeals.

5. The subject matter lands were acquired by the acquiring body for “Sina Kolegaon Project” in file No.1994/LNQ/CR/43. Section 4 notification was published in Official Gazette on 16.05.1996 and Section 6 notification was published in Official Gazette on 11.06.1998. The award was passed on 02.03.2000. Feeling aggrieved by the deficit amount granted by the Special Land Acquisition Officer, the respondents/claimants have filed respective land acquisition references.

6. After hearing the parties, the Reference Court partly allowed the land acquisition references and granted enhancement in compensation holding the claimants entitled to compensation at the rate of Rs.80,000/- per Acre. As against this, the acquiring body is before this Court.

7. Mr. G. B. Rajale, learned Advocate for the acquiring body, in all fairness, places before this Court a copy of order dated 12.08.2026 passed by this Court in group of appeals led by First Appeal No.281 of 2012. The said copy is taken on record and marked as Annexure “X” for identification.

8. Mr. Rajale submits that the cited matters arise out of the same land acquisition proceedings which are subject matter of the present appeals. He would further submit that in very identical circumstances, this Court dismissed the appeals filed by the same acquiring body. He submits that he himself has argued those matters before this Court in the said group of appeals. Thus, he fairly submits that on the backdrop of these facts, present appeals may also be disposed of, however by modifying the interest part.

9. I have gone through the text of the order dated 12.08.2026 passed by this Court. Having regard to the fact that the present appeals arise out of the same land acquisition proceedings, I have no reason to disagree with the view taken by this Court in First Appeal No.281 of 2012(supra), subject to modification of interest part. In view of this, present appeals deserve to be disposed of.

10. Hence, I pass following order :

O R D E R

I. The First Appeals are disposed of.

II. The judgment and award passed by the learned Reference Court stands maintained.

III. The amount deposited by the acquiring body be remitted to the Reference Court. The respondents/claimants are permitted to withdraw the same. Any security, if already given, stands discharged.

IV. The interest part shall be governed by the law laid down by the Full Bench judgment in the case of ***State of Maharashtra v. Kailash Shiva Rangari,*** reported in ***2016 (4) ALL MR 513***.

V. While disbursing the amount, the Reference Court/Executing Court shall calculate the interest part in view of ***Kailash Shiva Rangari*** (supra).

VI. The Acquiring body is entitled for refund of such amount if found excess deposited.

VII. Pending Civil Applications, if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)

PRW