IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 FIRST APPEAL NO. 4119 OF 2022

SHARDABAI GANPATRAO BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
Mr. K. B. Jadhav h/f. Mr. V. B. Jogdand Patil, Advocate for Appellant
Mr. B. V. Virdhe, AGP for Respondent-State
Mr. Ruturaj Patil, Advocate for Respondent No.3
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 14th October 2026

P.C. :-

. Today when the matter is taken up for consideration, Mr. K. B. Jadhav h/f Mr. V. B. Jogdand Patil, learned Advocate for the appellant tenders a copy of judgment and order dated 06.03.2026 passed by this Court in First Appeal No.3165 of 2009 with connected matter. In the said order, after hearing the parties and placing reliance on earlier order passed by this Court on 28.01.2026 in First Appeal No.1421 of 2023, this Court determined the compensation towards the acquired non irrigated land at the rate of Rs.3994/- per R.

2. Citing the aforesaid order, Mr. K. B. Jadhav, learned Advocate for the appellant submits that the cited matter arose out of the same land acquisition proceedings which is subject matter of the present appeal. He submits that both in the cited matter and in the present appeal, the land was acquired for the 'Lower Nimna Dudhna Right Canal Project'. In the cited case, taking the base valuation of dry land at Rs.2,500/- per R, this Court determined the compensation at Rs.3,994/- per R by granting escalation at the rate of 10% per annum for a period of 04 years and 11 months.

3. Mr. K. B. Jadhav, learned Advocate submits that in the present matter, escalation is required to be granted at the rate of 10% per annum for a period of 09 years, 09 months. Accordingly, he submits that the appropriate valuation of the acquired dry land would be Rs.6,360/- per R.

4. In all fairness, Mr. Ruturaj Patil, learned Advocate for respondent no.3/Acquiring Body after going through the text of the cited order and also examining details of the present matter, agrees that present First Appeal is covered squarely by the cited order. He assists the Court with a submission that the appellant do deserves escalation for 09 years and 09 months,

agrees that the moderate compensation would be Rs.6,360/- per R for dry land.

5. In view of the above, I deem it appropriate to partly allow the First Appeal. Hence, the following order:

ORDER

a. First Appeal stands partly allowed.

b. Appellant shall be entitled for compensation @ Rs.6,360/- per R applicable for dry land.

c. Award be modified to that extent in the light of the observations of Reference Court as regards to the quality of the lands.

d. The interest part shall be governed by the full bench judgment of this Court in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457***.

e. The appellant shall pay deficit Court fees, if any within a period of two months from today.

f. The Acquiring Body shall deposit the compensation amount in this Court within a period of six months from today with applicable interest by applying interest as per ***Kailash Shiva Rangari case (supra).***

g. After such amount is deposited by the Acquiring Body, appellants are permitted to withdraw such amount with accrued interest

thereon.

h. Needless to mention, the appellants shall not be entitled for any sort of statutory benefit or interest for the period of delay.

i. First Appeal stands disposed of accordingly.

j. Civil Applications if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)

PRW