IN THE HIGH COURT OF JUDICATURE AT BOMBAY, BENCH AT AURANGABAD

WRIT PETITION NO.5134/2019
WITH
WRIT PETITION NO. 5138/2019
WITH
WRIT PETITION NO. 4943/2019
WITH
WRIT PETITION NO. 5135/2019
WITH
WRIT PETITION NO. 5136/2019
WITH
WRIT PETITION NO. 5137/2019

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WRIT PETITION NO.5134/2019

City & Industrial Development Corporation,
Through: Its Administrator,
WalujMahanagar,
CIDCO, Aurangabad.
Tq. & District Aurangabad. **PETITIONER**

Versus

1. The State of Maharashtra
Through the Special Land Acquisition
Officer, (Special Unit) Administrative Building,
Aurangabad, Cantonment, Aurangabad.

2. Madansingh s/o Kachrusingh Kakas,
Age 62 years, Occu: Agriculture,
R/o: Golwadi, Tq. & Dist. Aurangabad,
Presently residing at Karnapura,
Cantonment, Aurangabad. **...ORIG. APPLICANT**

3. The Presiding Officer,
Maharashtra Land Acquisition,
Rehabilitation and Resettlement
Authority, Nagpur. **RESPONDENTS**

WITH

WRIT PETITION NO. 5138/2019

City & Industrial Development Corporation,
Through: Its Administrator,
WalujMahanagar,
CIDCO, Aurangabad.
Tq. & District Aurangabad. **PETITIONER**

Versus

1. The State of Maharashtra,
Through Collector, Aurangabad,
Taluka and Dist. Aurangabad.

2. The Special Land Acquisition Officer, (Special Unit),
Aurangabad, Administrative Building, Aurangabad.
Tq. & District Aurangabad.

3. Ravindra Shantilal Peety,
Age: 48 years, Occu: Agri. & Business,
R/o: Near Shani Mandir, Juna Jalna,
District Jalna ....Orig. Applicant

4. The Presiding Officer, Maharashtra Land
Acquisition,Rehabilitation and Resettlement
Authority, Nagpur. **RESPONDENTS**

WITH
WRIT PETITION NO. 4943/2019

City & Industrial Development Corporation,
Through: Its Administrator,
Waluj Mahanagar,
CIDCO, Aurangabad.
Tq. & District Aurangabad. **PETITIONER**

Versus

1. The State of Maharashtra,
Through : Collector, Aurangabad,
Taluka and Dist. Aurangabad.

2. The Special Land Acquisition Officer, (Special Unit),
Aurangabad, Administrative Building,
Aurangabad.Tq. & District Aurangabad.

3. Kantilal s/o Ramalal Chungade,
Age 54 years, Occu: Agri. & Business,
R/o Golwadi, Aurangabad,
Through Power of Attorney Holder,
Vedant s/o Shirish Gadiya,
Age 28 years, Occu: Agri. & Business,
R/o Gut No.40, Golwadi, Aurangabad,
Tq. & District Aurangabad ….ORIG. APPLICANT

4. The Presiding Officer,
Maharashtra Land Acquisition,
Rehabilitation and Resettlement Authority,
Nagpur. **RESPONDENTS**

WITH
WRIT PETITION NO. 5135/2019

City & Industrial Development Corporation,
Through: Its Administrator,
Waluj Mahanagar,
CIDCO, Aurangabad.
Tq. & District Aurangabad. **PETITIONER**

Versus

1. The State of Maharashtra
Through Collector, Aurangabad,
Taluka and Dist. Aurangabad.

2. The Special Land Acquisition Officer,
(Special Unit), Aurangabad, Administrative Building,
Aurangabad, Tq. & District Aurangabad.

3. Shantilal Ramlal Chungade,
Age 62 years, Occu: Agri. & Business,
R/o. Golwadi, Aurangabad.
Through his GPA Vedant s/o Shirish Gadiya,
Age 28 years, Occu: Agri. & Business,
R/o Gut No. 40, Golwadi, Aurangabad,
Tq. & Dist. Aurangabad. ...Orig. Applicant

4. The Presiding Officer,
Maharashtra Land Acquisition,
Rehabilitation and Resettlement
Authority, Nagpur **...RESPONDENTS**

WITH
WRIT PETITION NO. 5136/2019

City & Industrial Development Corporation,
Through: Its Administrator,
Waluj Mahanagar, CIDCO, Aurangabad.
Tq. & District Aurangabad. **PETITIONER**

Versus

1. The State of Maharashtra
Through Special Land Acquisition
Officer, Special Unit, Collectorate at
Aurangabad, Tq. & District Aurangabad.

2. Prakash Sundarrao Solunke,
Age 65 years, Occu: Agriculturist,
R/o Mokhed, Tal. Dharur, Dist. Beed 431 124.
Through His Power of Attorney Holder
Mr. Chandrakant Sunderrao Solanke.

3. Dhairyasheel Sunderrao Solunke
Age 59 years, Occu: Agri.
R/o Mokhed, Ta. Dharur, Dist. Beed 0431 134.
Through his Power of Attorney
Holder Mr. Chandrakant Sunderrao Solunke,

4. Chandrakant Sundererao Solanke,
Age 61 years, Occu: Agriculturist,
R/o Bungalow No. 46, Florida Estate,
Keshav Nagar, Mundhawa, Pune-411 036.

5. Smt. Nutan Sanjay Solanke
Age 54 years, Occu: Agriculturist,
R/o Marval Residency, South
Main Road, Koregaon Park, Pune-411 001.
Through her Power of Attorney Holder,
Mr. Chandrakant Sunderrao Solanke. ...Orig. Applicants

6. The Presiding Officer,
Maharashtra Land Acquisition,
Rehabilitation and Resettlement Authority,
Nagpur ...RESPONDENTS

AND

WRIT PETITION NO. 5137/2019

City & Industrial Development Corporation,
Through: Its Administrator,
Waluj Mahanagar, CIDCO, Aurangabad.
Tq. & District Aurangabad. PETITIONER

Versus

1. The State of Maharashtra,
Through The Special Land Acquisition Officer,
(Special Unit), Aurangabad, Administrative Building,
Aurangabad, Tq. & District Aurangabad.

2. Karansingh s/o Kachrusingh Kakas,
Age: 58 years, Occu: Agri.,
R/o. Golwadi, Tq. & Dist. Aurangabad,
Cantonment, Aurangabad ...ORIG. APPLICANT

3. The Presiding Officer,
Maharashtra Land Acquisition,
Rehabilitation and Resettlement Authority,
Nagpur. ...RESPONDENTS

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Mr. Shambhuraje V. Deshmukh, Advocate for Petitioners.
Ms. R.R. Tandale, AGP for the Respondent Nos. 1, 2 & 4
Mr. D.P. Palodkar, Advocate for Respondent No. 3
In W.P. No. 5134 & 5137/2019, Adv Samiksha S. Auti a/w Adv R.L. Chabda FOR Respondent No. 3

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CORAM : ROHIT W. JOSHI, J.
CLOSED ON:- SEPTEMBER 28, 2026
PRONOUNCED ON:- NOVEMBER 19, 2026

JUDGMENT :

1) The present petitions are filed in order to challenge common judgment order dated 16/02/2019 passed by the learned Presiding Officer, Maharashtra Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur in Land Acquisition Reference Case Nos. 19/AUR/AUR/2018, 20/AUR/AUR/2018, 21/AUR/AUR/2018, 22/AUR/AUR/2018, 23/AUR/AUR/2018 & 256/AUR/AUR/2018 of Mouza Golwadi.

2) Since Writ Petition No. 5134/2019 is treated as lead petition, the facts and contentions stated in the said petition are set out for adjudication of the issue involved in all the petitions and they are being decided by this common judgment.

3) The petitioner is the acquiring body for whose benefit the respondent - State of Maharashtra has acquired the suit properties being land bearing Gut Nos. 14, 15, 16, 18 and 12 of

Village Golwadi for development of Waluj area under section 126 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "MRTP Act" for the sake of brevity) read with section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as "LA Act" for the sake of brevity). The Special Land Acquisition Officer (Special Unit, Aurangabad) (hereinafter referred to as “The SLAO” for the sake of brevity) passed award with respect to the aforesaid lands on 21/02/2017. Award with respect to land bearing Gut No. 256 came to be passed on 31/07/2018.

4) Being aggrieved by the amount of compensation awarded by the Land Acquisition Officer, the land owners made applications for making reference as contemplated under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "RFCTLARR Act" for the sake of brevity). Accordingly, the SLAO made a reference to the

competent authority under RFCTLARR Act. The land owners made a motion before the Authority *inter alia* praying to decide the issue as to relevant date for determining market value of the land as a preliminary issue. The said application was made on the ground that declaration of acquisition was made in the case at hand on 22/12/2011, prior to commencement of RFCTLARR Act and the SLAO had passed the award on 02/06/2017 after commencement of RFCTLARR Act and as such, the relevant date for determination of market value should be considered as 01/01/2014 i.e. the date on which RFCTLARR Act came into force. Reliance in support of this contention was placed on the communication dated 26/10/2015 issued by the Government of India directing that in cases where acquisition proceedings had commenced under the erstwhile L.A. Act and award under section 11 of the said Act was not passed till commencement of RFCTLARR Act, the market value should be determined as on 01/01/2014 which is the date of commencement of RFCTLARR

Act. The said motion was allowed and accordingly, preliminary issue was framed as prayed.

5) After hearing the parties at length on the preliminary issue, the learned Authority passed the impugned order dated 16/02/2019 holding that the market value should be determined as on 01/01/2014 and not 22/12/2011, which is the date of publication of notification under section 126(4) of the MRTP Act read with section 6 of the LA Act, and remanded the matter to the Land Acquisition Officer to determine market value of the acquired lands as on 01/01/2014 and to pass a fresh award by following procedure contemplated under sections 26 to 30 of the RFCTLARR Act. The learned competent authority has held that directions issued by the Central Government with respect to the relevant date for computing market value of acquired land will also be applicable to acquisition of land under the MRTP Act.

6) It is the contention of the petitioner that the market value of the acquired land will have to be determined as on

22/12/2011, which is the date on which notification of acquisition under section 126(4) of the MRTP Act read with section 6 of the LA Act was issued. It is contended that the learned Authority has erred in holding that the relevant date for determining market value shall be 01/01/2014.

7) The learned advocate for the petitioner contends that the controversy in the present petition is squarely covered by the Division Bench judgment of this Court in the case of ***Sahebrao Bhausaheb Kalate versus State of Maharashtra, 2020(2) Mh.L.J. 210.*** Drawing attention to the said judgment, the learned advocate contends that the Division Bench of this Court in ***Sahebrao Kalate (supra)*** deals with the exact situation where declaration of acquisition under section 126(4) of the MRTP Act was issued prior to commencement of RFCTLARR Act and award by the Land Acquisition Officer was passed after commencement of the said Act, and in the backdrop of these facts, this Court has expressly held that the relevant date for

determining compensation will be the date of issuance of notification of declaration under section 126(4) of the MRTP Act and not 01/01/2014. The learned advocate draws attention to the said judgment to contend that the aforesaid communication issued by the Central Government is also taken into consideration by the Division Bench in the aforesaid judgment. He further contends that the directions issued by the Central Government with respect to acquisition of lands under the LA Act cannot be made applicable to acquisition of lands under the MRTP Act.

8) As against this, the contention of the learned advocate for the land owners is that the Authority has rightly held that the relevant date for computation of compensation should be 01/01/2014, in view of the communication dated 26/10/2015 issued by the Department of Land Resources, Ministry of Rural Development, Government of India. It is contended that section 113 of the RFCTLARR Act enables the Central Government to

issue orders or make appropriate provisions or issue appropriate directions as are necessary or expedient for removal of any difficulty in giving effect to the provisions of the RFCTLARR Act, and the said communication dated 26/10/2015 is issued in exercise of powers under the said section. It is contended that the said directions are binding on the State Government and as such the learned Competent Authority has rightly held that the relevant date for determination of compensation will be 01/01/2014 and not 22/12/2011. It is further argued that if 01/01/2014 is not considered as the relevant date for computation of market value, the same will have the effect of depriving the land owners of receiving appropriate compensation which they would have received if the land was acquired under the general law relating to acquisition of lands i.e. the LA Act and RFCTLARR Act.

9) The learned advocate for the land owners contends that ***Sahebrao Kalate (supra)*** cannot be considered to be a binding

precedent in view of the judgments of this Court in the case of ***Hardas versus State of Maharashtra, 2019 SCC Online Bom 609*** and ***APMC Nagpur versus State of Maharashtra and others, 2022 (4) Mh.L.J. 503***. It is contended that in both these cases, this Court has directed that compensation for acquisition of lands under the MRTP Act should also be determined considering 01/01/2014 as the relevant date for computation of market value. It is further contended that ***Sahebrao Kalate (supra)*** also does not take into consideration the judgment of the Hon'ble Supreme Court in the case of ***MSRTC versus State of Maharashtra and others, AIR 2003 SC 1909***, wherein it is held that although acquisition of land under the provisions of MRTP Act will not lapse upon failure on the part of the Land Acquisition Officer to pass an award within a period of 2 years from the date of publication of declaration of acquisition under section 6 of the Act, the provisions of LA Act will be applicable for computation of market value of the land.

10) The learned advocate for the respondents contends that land owners whose lands are acquired under the MRTP Act cannot be subjected to any disadvantage with respect to monetary compensation to be provided to them only because the land is acquired under MRTP Act and not under LA Act. It is, therefore, contended that the relevant date for computation is rightly considered as 01/01/2014 by the learned Competent Authority.

11) It will be appropriate to first deal with the judgment in the case of ***Sahebrao Kalate (supra)***. The Division Bench of this Court has categorically held that in cases of acquisition of land under section 126(4) of the MRTP Act, the relevant date for determining compensation will be the date on which notification under section 126(4) is issued and not 01/01/2014. In the case of ***Sahebrao Kalate (supra)***, notification of declaration under section 126(4) of MRTP Act read with section 6 of LA Act was issued on 22/04/2010. The Land Acquisition Officer passed award on

02/06/2017 following the parameters prescribed under the RFCTLARR Act. However, the market value was determined as on 22/04/2010 i.e. the date on which notification under section 126(4) of the MRTP Act was issued. The land owner had challenged the acquisition proceedings on the ground that the acquisition proceedings had lapsed in view of section 11A of the LA Act on account of failure on the part of the Land Acquisition Officer to pass award within a period of 2 years from the date of declaration of acquisition and in the alternative the award passed by the Land Acquisition Officer was also challenged since the market value was determined as on 22/04/2010 and not as on 01/01/2014. The challenge to acquisition proceedings was not pressed in view of the judgment of the Hon'ble Supreme Court in the case of ***Girnar Traders versus State of Maharashtra, (2011) 3 SCC 1***. The petition was prosecuted only for the purpose of declaration that the relevant date for determination of market value will be 01/01/2014.

12) Division Bench of this Court, in the case of ***Sahebrao Kalate (supra)*** has held that in case of acqusition of land under section 126 of the MRTP Act, the relevant date for computation of market value will be the date of publication of notification for declaration of land under section 126(4) of the MRTP Act. The contention that in case where declaration was published prior to commencement of RFCTLARR Act and award by the LAO is passed after commencement of the said Act, the relevant date for computatio of market value should be 01/01/2014 i.e. the date of commencement of RFCTLARR Act in view of the aforesaid communication dated 26/10/2015 is rejected on the ground that the said directions are applicable only to acquisition of land under the LA Act and not acquisition under the MRTP Act. The judgment elaborately refers to decision of the Supreme Court in the case of ***Girnar (supra),*** relevant observations in the said judgment are quoted hereinbelow for ready reference:-

"24. So far as the clarification that has been issued by the

Central Government pursuant to the query raised by the State under section 113 of the Act of 2013, it refers to the proceedings initiated by issuing preliminary notification under Land Acquisition Act; whereas the explanation also refers to the cases where notification issued and the proceedings are initiated under the Land Acquisition Act. As has been recorded earlier, referring to the judgment in the matter of "Girnar Traders", that the proceeding for acquisition for taking over reserved sites prescribed under development plan is initiated under the MRTP Act. The MRTP Act is a complete code in itself. Under MRTP Act the date of issuance of a declaration wp9630.17.odt under section 126(2) is the reference date for determination of the amount of compensation.

25. In view of the observations made in paragraph 67 at serial no. 9 of the column in relation to the acquisition of land under MRTP Act, the market value has to be determined with reference to the date/ dates specified in section 126(3) and upon issuance of a declaration under section 126(2) in the manner for issuance of declaration under section 6 of the 1894 Act, as has been held by the Supreme Court in Girnar Traders (cited supra).

26. In so far as the argument advanced by the learned counsel appearing for the Petitioner, relying upon provisions of Rule 9 of the Rules framed by the State of Maharashtra, it cannot be controverted that it would be open for the State Government to provide for or grant better benefits to the claimants, however, until such steps are taken, the benefits accruable in reference to the acquisition proceedings initiated under the provisions of the Land Acquisition Act, cannot be automatically made applicable in cases of acquisition, governed under the MRTP Act…."

13) As regards judgment of the Hon'ble Supreme Court in the case of ***MSRTC versus State of Maharashtra***, the said decision only prescribes that benefit of sections 23 and 28 of the Act must also be extended to land owners whose lands are acquired under the MRTP Act. Section 23 of the Act provides for the relevant considerations which should be taken into consideration in determining the market value, and section 28 provides that in case where the amount of compensation awarded is enhanced by the Reference Court, the enhanced amount of compensation

shall carry interest at the rate of 9% for the initial period of 1 year from the date of taking possession of the land and at the rate of 15% for the subsequent period. Section 23 clearly provides that the market value of acquired land must be determined as on the date of issuance of preliminary notification under section 4 of the LA Act. The said judgment is not directly on the point. The underlying principle in the said judgment is that the benefit of provisions of LA Act should also be extended to land owners whose lands are acquired under the MRTP Act. Although this judgment is not taken into consideration, Constitution Bench judgment of the Hon'ble Supreme Court in the case of ***Nagpur Improvement Trust versus Vithal Rao, AIR 1973 SC 689*** is considered by ***Sahebrao Kalate (supra)***. ***Sahebrao Kalate (supra)*** does not ignore the said legal principle reiterated in MSRTC versus State of Maharashtra.

14) The issue with respect to the relevant date for determination of market value again came up before this Court

in the case of ***S.N. Desai Hospitalities and Developers LLP, Mumbai vs. Deputy Collector (Land Acquisition Officer) No. 7, Mumbai and another, 2026:BHC-AS-42117-DB***. Noticing the judgment in the case of ***Sahebrao Kalate (supra)***, it is held that the relevant date for determining market value of land acquired under the MRTP Act would be the date of issuance of notification under section 126(4) and not 01/01/2014, although notification regarding declaration of acquisition is issued prior to commencement of RFCTLARR Act and award by the Land Acquisition Officer is passed after commencement of the said Act.

15) Although, the issue was sought to be re-agitated before the Division Bench in the case of ***S.N. Desai Hospitalities (supra),*** the Division Bench refused to revisit the issue in view of the ratio in the case of ***Sahebrao Kalate (supra)***. Thus, the issue is squarely covered by the Division Bench judgment of this Court.

16) In my considered opinion, it will not be possible to take

any different view than the one which is taken by the Division Bench in the case of ***Sahebrao Kalate (supra)***. It must, therefore, be held that the relevant date for computation of market value of the suit property will be 22/12/2011, i.e. the date on which notification for declaration of acquisition was issued, and not 01/01/2014 as contended by the land owners.

17) As regards decision in the case of ***Hardas (supra)***, in the said case the land was acquired invoking provisions of MRTP Act. Declaration under section 6 of the LA Act read with section 126(4) of the MRTP Act was on 13/01/1996. Award under section 11 of the LA Act was passed on 07/09/2017 after a period of around 22 years from the date of issuance of notification under section 6 of LA Act. In view of this peculiar situation, the Division Bench of this Court quashed and set aside the award passed by the Land Acquisition Officer and issued directions for holding fresh enquiry for assessment of compensation treating the date 01/01/2014 as on the date of issuance of notification

under section 19 of the RFCTLARR Act. This inordinate delay of 22 years weighed with this Court in shifting the date of computation of compensation to 01/01/2014.

18) In the case of ***APMC Nagpur versus State of Maharashtra***, while rejecting the challenge to the acquisition proceedings on the ground that there was inordinate delay in passing an award by the Land Acquisition Officer, this Court issued direction to determine the compensation by computing market value of the acquired land as on 01/01/2014, treating the same to be the date of issuance of notification of acquisition under section 126 of the MRTP Act. The facts of the said case are peculiar. The Nagpur Improvement Trust (NIT) agreed to allot 126 acres of land to the petitioner - APMC. Out of the said land, possession of 110.88 acres of land was received by the APMC. Possession of 15.27 acres of land remained to be delivered. According to APMC, owners of the said 15.27 acres of land had given a proposal to it offering the remaining land at the rate of

Rs. 5,00,000/- per acre, which was accepted by it. According to APMC, it was agreed that 9.46 acres of land would be acquired at the rate of Rs. 5,00,000/- per acre and the land owners would be permitted to retain 5.81 acres of land. On 28/06/2005, APMC and land owners made a joint application for measurement of the land. However, the matter did not proceed further. Ultimately, on 04/05/2012, the LAO passed an award in favour of the landowner computing market value of the land at Rs.12,08,40,720/-. The APMC challenged the said award by filing petition before this Court and made a prayer to pass an award in terms of mutual agreement between the parties. The said petition was dismissed by judgment dated 05/12/2015.

19) The judgment was challenged by the APMC before the Hon'ble Supreme Court. SLP was dismissed by the Hon'ble Supreme Court on 03/10/2016. After the SLP was dismissed, the land owners requested the Land Acquisition Officer to compute compensation as per the provisions of the RFCTLARR Act. The

land owners, thereafter, issued a notice under section 127 of the MRTP Act for de-reservation of the land in question. The APMC requested the LAO to pass a fresh provisional award. The LAO also issued letter dated 12/04/2018 to APMC stating that the APMC had not deposited amount towards acquisition of land in question as a consequence of which award could not be passed. The LAO, thereafter, issued a declaration that the acquisition of land stood lapsed in view of section 24(2) of the RFCTLARR Act. The said communication dated 12/04/2018 was challenged by the APMC.

20) Accepting the contention of the petitioner - APMC that the acquisition did not lapse since section 11A of the LA Act or section 25 of the RFCTLARR Act was not applicable to acquisition of land under MRTP Act, it was held that the LAO was not justified in declaring that the acquisition of land stood lapsed. However, this Court found that the land in question was subjected to acquisition from the year 2003 - 2004 and despite

passing of provisional award on 04/05/2012, the land owners did not receive the amount of compensation. This Court considered Rule 14(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra) Rules, 2014 which provides that declaration of acquisition under section 19(1) shall not be made unless the requiring body deposits the amount of compensation along with cost of acquisition of land. In the said set of facts, while refusing to set aside the acquisition of land, this Court directed that market value should be computed as on 01/01/2014. The facts of the said case are clearly distinguishable.

21) The judgments in the cases of ***Hori Lal versus State of U.P., (2019) 13 SCC 129 and Tukaram Kana Joshi versus MIDC, (2013) 1 SCC 353*** are also distinguishable on facts. In both these cases, the lands were acquired under the erstwhile Land Acquisition Act. In the case of ***Hori Lal (supra)***, notification under section 4 was issued on 30/10/2002 and the award was

passed on 30/06/2016. The acquisition was challenged by filing a petition in which the State defended the acquisition itself had come up with a stand that the relevant date for computation of compensation should be 01/01/2014. The said judgment, therefore, cannot be of any help to the respondent - landowners. Likewise, in ***Tukaram Kana Joshi (supra)***, initial notifications under section 4 were issued between the years 1959 to 1965. Different notifications regarding declaration of acquisition were issued between the years 1966 to 1969 and awards under section 11 were passed between the years 1979 to 1980. Possession of the lands was taken in the year 1964 itself. Second notification under section 4 was issued on 14/05/1981. Notifications issued under section 4 had lapsed in view of section 11A of the Act on two occasions. To one set of landowners, compensation was already granted in the year 1966 itself. The other set of landowners to whom compensation was not awarded filed petition seeking compensation in the year 1998. The petition was dismissed by

the High Court on the ground of delay. It is in such circumstances that the landowners approached the Hon'ble Supreme Court. The State Government initially opposed the appeal. However, finally it came up with a suggestion that grievance of land owners will be redressed by issuing fresh notification under section 4 of the LA Act followed by declaration under section 6 of the said Act. The Hon'ble Supreme Court accepted the suggestion and issued directions to pay compensation accordingly.

22) The learned competent authority has passed the impugned order directing that market value should be computed as on 01/01/2014 only by placing reliance on communication issued by the Central Government which deals with a situation where acquisition proceedings were initiated under the LA Act and award by the LAO was not passed till repeal of the said Act by the RFCTLARR Act which came into force with effect from 01/01/2014. ***Sahebrao Kalate (supra)*** specifically holds that the

said communication is not applicable to acquisition of lands under the MRTP Act. ***Sahebrao Kalate (supra)*** is followed by another Division Bench in the case of ***S.N. Desai Hospitalities***.

23) In the considered opinion of this Court, the controversy involved in the present case is clearly covered by the Division Bench judgments in ***Sahebrao Kalate (supra)*** *and* ***S.N. Desai Hospitalities (supra)***. It will, therefore, not be possible to take a different view of the matter. As stated above, the ratio of judgments on which reliance is placed by the respondents is not applicable to the facts of the present cases.

24) Apart from this, the impugned order is also liable to be quashed on the ground that the Competent Authority does not have any power to remand the matter to the Land Acquisition Officer for passing a fresh award. The Competent Authority under RFCTLARR Act is constituted under section 51 of the said Act. The powers of the said Authority are prescribed under section 60 of the Act. Section 60(1) provides that the Authority

shall have same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 for summoning and enforcing attendance of any person and examining him on oath, discovery and production of document or other material as evidence, receiving evidence on affidavits, requisitioning public records, etc.

25) Section 60(2) specifically provides that the Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.

26) Section 64 provides for reference to an Authority with respect to objections to measurement of land, entitlement to compensation, amount of compensation, or to decide entitlement of the person to receive compensation or apportionment of compensation amongst persons interested.

27) Sections 69 and 70 of the Act specifically provide that every award passed by the Competent Authority shall specify the amount awarded under first clause of section 28, and also

amounts to be awarded, if any, under the other clauses of the said section. The first clause of section 28 provides that in determining the amount of compensation to be awarded, the Land Acquisition Officer shall first take into consideration market value of the acquired land as per section 26. The other clauses provide for payment of damages and compensation under other heads if contingency arises. Thus, the award passed by the Authority must specify the amount of compensation determined.

28) Apart from this, section 60(2) specifically provides that the jurisdiction of the Competent Authority is original jurisdiction. It is also well settled that an award by the Land Acquisition Officer is merely an offer. Apart from this, there is no express provision under the RFCTLARR Act enabling the Competent Authority to pass an order of remand directing the Land Acquisition Officer to redetermine the compensation.

29) The order passed by the learned Competent Authority remanding the matter to the LAO for redetermining the

compensation is clearly without jurisdiction and is liable to be set aside. The order is, therefore, liable to be set aside on this ground as well.

30) The petitioner had raised objection to maintainability of the reference bearing nos. 20/AUR/AUR/2018 (subject matter of challenge in Writ Petition No. 5135/2019) and 19/AUR/AUR/2018 (subject matter of challenge in Writ Petition No. 4943/2019) on the ground that the persons who have filed the said reference are not land owners or tenants. It was contended that the owners of the land had transferred the right to receive compensation in favour of Vedant Gadiya who was prosecuting the reference seeking enhancement in the amount of compensation without any right. The learned competent authority has rejected the said objection on the ground that Shri Vedant Gadiya had registered agreement executed by the land owners in his favour according to which, right to receive compensation was granted to him and that the land owners had

also executed a power of attorney in his favour. The learned competent authority has held that Shri Vedant Gadiya was an interested person and was entitled to receive the amount of compensation awarded by the LAO as also to seek enhancement of the same. The learned competent authority has placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***Govt. of NCT of Delhi vs. Manav Dharam Trust & others, (2017) 6 SCC 751.*** It is contention of learned advocate for the petitioner that the said judgment is overruled in the case of ***Shivkumar vs. Union of India, (2019) 10 SCC 229.*** He contends that in view of ***Shivkumar (supra)***, reference at the behest of Shri Vedant Gadiya will not be maintainable.

31) In the case of ***Manav Dharam Trust (supra)***, the Hon'ble Supreme Court has held that although a person who acquires land in acquisition after issuance or preliminary notification under section 4 of the LA Act is not entitled to challenge acquisition proceedings, he is entitled to seek a declaration that

the acquisition of land has lapsed in view of failure on the part of the Land Acquisition Officer to pass award within the period stipulated under section 24(2) of the RFCTLARR Act. The said judgment is overruled in the case of ***Shivkumar (supra)***, which holds that such a declaration also cannot be sought. However, ***Shivkumar (supra)*** categorically holds that such a subsequent transferee shall have a right to receive amount of compensation awarded for the acquired land. The issue is whether the reference at the behest of such a subsequent transferee is maintainable. To answer the question, it will be appropriate to refer to the judgment of the Hon'ble Supreme Court in the case of ***Mrs. Khorshed Shapoor Chenai vs Assistant Controller Of Estate Duty., Andhra Pradesh and Others, (1980) 2 SCC 1***, wherein the Hon'ble Supreme Court has held that the right to receive compensation awarded is not restricted to the amount of compensation determined by the LAO, but also includes the additional amount of compensation as may be quantified by the

Reference Court, while deciding a reference under section 18 of the LA Act.

32) In view of the aforesaid legal position, in the considered opinion of this Court, reference at the behest of Shri Vedant Gadiya on the basis of agreement to sell and power of attorney will be maintainable. However, the right to receive compensation will be subject to the terms and conditions of the agreement. The challenge to the maintainability of the reference at his behest is, therefore, rejected. The copies of the agreement and the power of attorney are not placed on record. The judgment also does not elaborately refer to the terms and conditions of the agreement and power of attorney. In that view of the matter, since all the references are remanded to the learned competent authority for deciding the same on merits, it will be appropriate that the learned competent authority is directed to revisit the said issue in the light of reasons recorded above.

33) Since ***Sahebrao Kalate (supra)*** is under challenge before the Hon'ble Supreme Court, it will be expedient that the parties are allowed to lead evidence with respect to market value of the land acquired as on 22/12/2011, which is the date of notification of acquisition, as also the market value prevailing as on 01/01/2014. In case the reference is decided before the decision of the Hon'ble Supreme Court, the competent authority shall record findings with respect to market value as on 22/12/2011 and 01/01/2014, however, the award shall be passed taking into consideration the market value of the land as on 22/12/2011. In case the reference is decided, after the appeal is decided by the Hon'ble Supreme Court, market value shall be computed in accordance with the judgment of the Hon'ble Supreme Court.

34) In the result, the petitions deserve to be allowed and are **allowed** in the following terms:

a) Common judgment and order dated 16/02/2019 passed by the learned Presiding Officer, Maharashtra Land Acquisition, Rehabilitation and Resettlement Authority,

Nagpur in Land Acquisition Reference Case Nos. 19/AUR/AUR/2018, 20/AUR/AUR/2018, 21/AUR/AUR/2018, 22/AUR/AUR/2018, 23/AUR/AUR/2018 & 256/AUR/AUR/2018 of Mouza Golwadi is quashed and set aside.

b) All the above cases are remitted to the learned Presiding Officer, Maharashtra Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur for deciding the references on merits.

c) Parties shall appear before the learned Authority on 21/12/2026.

d) Parties to bear their own costs.

[ROHIT W. JOSHI J.]