



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

FIRST APPEAL NO. 32 OF 2026

Bhimrao Ramdasrao Nirval .. Appellant

Versus

Executive Engineer, Nimna Dhudhna
Project, Tq. Selu, Dist. Parbhani
and others .. Respondents

Shri Firoz Ahmad Shirpurkar, Advocate a/w Shri K. M. More,
Advocate for the Appellant.

Shri B. R. Surwase, Advocate for the Respondent No. 3.

Shri S. V. Hange, A.G.P. for the Respondent Nos. 2 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 09TH JANUARY, 2026.**

FINAL ORDER :

. Taken up for final disposal with the consent of the parties
at the admission stage.

2. Appellant is questioning judgment and award dated
01.03.2016 passed in L.A.R. No. 823 of 2011 for claiming
enhancement of rate of Rs. 4,426/- per R for dry land and Rs.
2,213/- for pot kharab land. He is relying on consistent view
taken by this Court in awarding rate of Rs. 2,500/- per R with
benefit of escalation. One such order dated 14th November, 2025
passed in First Appeal No. 2259 of 2021 is placed on record.

3. The learned counsel for the respondent No. 1 – acquiring body and Learned A. G. P. for the respondent Nos. 2 and 3 would contest the claim of the appellant. They would submit that the appellant failed to make out any independent case for enhancement on the ground of parity.

4. The land in question is from village Mapegaon and same is acquired for Nimna Dudhna Project. Following are the material particulars.

Sr. No.	First Appeal No.	L. A. R. No.	Land Gut No.	Area acquired	Notification U/Sec. 4	Date of Award	Rate granted by SLAO	Rate granted by Reference Court
1	32 of 2026	823 of 2011	12/1	7H 87R	11.07.2002	10.06.2007	850/- Per R for dry land	2500/- per R for dry land

5. This Court has taken consistent view in enhancing the compensation by extending benefit of escalation by cumulative effect. Relying on the consistent view in case of acquisition of land from identical village, this Court enhanced the compensation to Rs. 4,426/- per R for dry land in First Appeal No. 2259 of 2021. Order dated 14th December, 2025 passed in First Appeal No. 2259 of 2021 is placed on record to buttress that under identical notification lands from village Mapegaon were acquired for self same project and benefit of escalation for six years at the rate of 10% per annum was awarded by this Court. In the present appeal land was acquired for self same project and

under same notification. Present appeal is squarely covered by the consistent view and appellant is entitled to enhancement.

6. The respondents neither led any evidence before the Reference Court, nor did they challenge the classification of the lands. Their submissions are liable to be rejected. I have no hesitation to hold that appellants are entitled to rate of Rs. 4,426/- per R for dry land.

7. I, therefore, pass following orders.

O R D E R

A. First appeals are allowed partly.

B. Appellant is entitled to receive rate of Rs. 4,426/- per R for dry land, and Rs. 2,213/- for pot kharab for the acquired land.

C. Appellant shall not be entitled to interest and statutory benefits for the delayed period.

D. The appellant is entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act as per the judgment of the Full Bench of this Court in the matter of the the State of Maharashtra Vs. Kailas Shiva Rangari reported in *2016(4) All MR 513*.

E. Save and except above, the impugned judgment and award shall stand unaltered.

F. The appellant shall pay deficit court fees.

G. Award be drawn up accordingly.

[SHAILESH P. BRAHME J.]

bsb/Jan. 26