



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 594 OF 2025

GODAVARIBAI DATTU MAHAJAN.

DIED THR LRS

RAMESH DATTU MAHAJAN,

Age : 62 years, Occ : Agril,

R/o At Post Hivarkhede (Bk.),

Tq. Jamner, Dist. Jalgaon.

...Appellant/ Claimant

VERSUS

1. THE COLLECTOR,
JALGAON,
Tq. & Dist. Jalgaon.
2. Special Land Acquisition Officer,
U.T.P.H.-1, Jalgaon, Tq. & Dist. Jalgaon.
3. District Rehabilitation Officer,
Jalgaon, Tq.& Dist. Jalgaon.
4. The Executive Engineer,
Waghur Dam Division Jalgaon,
Tq. and Dist. Jalgaon.
5. The Executive Director,
Tapi Development Corporation Jalgaon,
Tq. and Dist. Jalgaon.

...

WITH
FIRST APPEAL NO.2313 OF 2020
WITH
CIVIL APPLICATION NO. 14458 OF 2019
IN FA/2313/2020

1. The Executive Engineer
Waghur Dam Division Jalgaon

Tq. & Dist. Jalgaon.

2. The Executive Director,
Tapi Development Corporation,
Jalgaon, Tq. & Dist. Jalgaon.

...APPELLANTS
(Acquiring Body)

3. The Collector, Jalgaon, Tq. & Dist. Jalgaon.

4. The Special Land Acquisition
Officer, U.T. P.H.-1
Jalgaon Tq. & Dist. Jalgaon.

5. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.

...CO-APPELLANTS
(State authorities)

VERSUS

YUVRAJ LAXMAN PATIL,
Age 50 years, Occu: Agriculture,
R/o At. Post. Hivarkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

...RESPONDENT
(Claimant)

...

**WITH
FIRST APPEAL NO.2312 OF 2020
WITH
CIVIL APPLICATION NO. 14460 OF 2019
IN FA/2312/2020**

1. The Executive Engineer
Waghur Dam Division Jalgaon
Tq. & Dist. Jalgaon.

2. The Executive Director,
Tapi Development Corporation,

Jalgaon, Tq. & Dist. Jalgaon.

...APPELLANTS
(Acquiring Body)

3. The Collector, Jalgaon, Tq. & Dist. Jalgaon.

4. The Special Land Acquisition
Officer, U.T. P.H.-1
Jalgaon Tq. & Dist. Jalgaon.

5. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.

...CO-APPELLANTS
(State authorities)

VERSUS

RAJANIBAI SITARAM PATIL,
Age 45 years, Occu: Agriculture,
R/o At. Post. Hivarkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

...RESPONDENT
(Claimant)

...

**WITH
FIRST APPEAL NO. 2589 OF 2024**

BHAURAO KADU BORSE,
Age : 72 years, Occ : Agril,
R/o At Post Hivarkhede (Bk.),
Tq. Jamner, Dist. Jalgaon.

...Appellant/ Claimant

VERSUS

1. THE COLLECTOR,
JALGAON,
Tq. & Dist. Jalgaon.

2. Special Land Acquisition Officer,
U.T.P.H.-1, Jalgaon, Tq. & Dist. Jalgaon.

3. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.
4. The Executive Engineer,
Waghur Dam Division Jalgaon,
Tq. and Dist. Jalgaon.
5. The Executive Director,
Tapi Development Corporation Jalgaon,
Tq. and Dist. Jalgaon.

...RESPONDENTS

...

**WITH
FIRST APPEAL NO.2316 OF 2020
WITH
CIVIL APPLICATION NO. 14452 OF 2019
IN FA/2316/2020**

1. The Executive Engineer
Waghur Dam Division Jalgaon
Tq. & Dist. Jalgaon.
2. The Executive Director,
Tapi Development Corporation,
Jalgaon, Tq. & Dist. Jalgaon.

...APPELLANTS
(Acquiring Body)

3. The Collector, Jalgaon, Tq. & Dist. Jalgaon.
4. The Special Land Acquisition
Officer, U.T. P.H.-1
Jalgaon Tq. & Dist. Jalgaon.
5. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.

...CO-APPELLANTS
(State authorities)

VERSUS

BALU DATTATRAY PATIL,
Age 42 years, Occu: Agriculture,
R/o At. Post. Hivarkheda Bk.,
Tq.Jamner, Dist. Jalgaon.

...RESPONDENT
(Claimant)

...

**WITH
FIRST APPEAL NO. 2315 OF 2020
WITH
CIVIL APPLICATION NO. 14462 OF 2019
IN FA/2315/2020**

1. The Executive Engineer
Waghur Dam Division Jalgaon
Tq. & Dist. Jalgaon.

2. The Executive Director,
Tapi Development Corporation,
Jalgaon, Tq. & Dist. Jalgaon.

...APPELLANTS
(Acquiring Body)

3. The Collector, Jalgaon, Tq. & Dist. Jalgaon.

4. The Special Land Acquisition
Officer, U.T. P.H.-1
Jalgaon Tq. & Dist. Jalgaon.

5. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.

...CO-APPELLANTS
(State authorities)

VERSUS

SITARAM SENU PATIL,
Age 56 years, Occu: Agriculture,

R/o At. Post. Hivarkheda Bk.,
Tq.Jamner, Dist. Jalgaon.

...RESPONDENT
(Claimant)

...

**WITH
FIRST APPEAL NO. 2586 OF 2024**

RAJANIBAI SITARAM PATIL,
Age : 67 years, Occ : Agril,
R/o At Post Hivarkhede (Bk.),
Tq. Jamner, Dist. Jalgaon.

...Appellant/ Claimant

VERSUS

1. THE COLLECTOR,
JALGAON,
Tq. & Dist. Jalgaon.
2. Special Land Acquisition Officer,
U.T.P.H.-1, Jalgaon, Tq. & Dist. Jalgaon.
3. District Rehabilitation Officer,
Jalgaon, Tq.& Dist. Jalgaon.
4. The Executive Engineer,
Waghur Dam Division Jalgaon,
Tq. and Dist. Jalgaon.
5. The Executive Director,
Tapi Development Corporation Jalgaon,
Tq. and Dist. Jalgaon.

...RESPONDENTS

...

**WITH
FIRST APPEAL NO. 2310 OF 2020
WITH
CIVIL APPLICATION NO. 14449 OF 2019
IN FA/2310/2020**

1. The Executive Engineer
Waghur Dam Division Jalgaon
Tq. & Dist. Jalgaon.

2. The Executive Director,
Tapi Development Corporation,
Jalgaon, Tq. & Dist. Jalgaon.

...APPELLANTS
(Acquiring Body)

3. The Collector, Jalgaon, Tq. & Dist. Jalgaon.

4. The Special Land Acquisition
Officer, U.T. P.H.-1
Jalgaon Tq. & Dist. Jalgaon.

5. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.

...CO-APPELLANTS
(State authorities)

VERSUS

SMT. GODAVARIBAI DATTU MAHAJAN,
Since deceased. Through her L.Rs.
Ramesh Dattu Mahajan,
Age : 62 years, Occu: Agriculture,
R/o At. Post. Hivarkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

...RESPONDENT
(Claimant)

...

**WITH
FIRST APPEAL NO. 2585 OF 2024**

YUVRAJ LAXMAN PATIL,
Age : 67 years, Occ : Agril,
R/o At Post Hivarkhede (Bk.),
Tq. Jamner, Dist. Jalgaon.

...Appellant/ Claimant

VERSUS

1. THE COLLECTOR,
JALGAON,
Tq. & Dist. Jalgaon.
2. Special Land Acquisition Officer,
U.T.P.H.-1, Jalgaon, Tq. & Dist. Jalgaon.
3. District Rehabilitation Officer,
Jalgaon, Tq.& Dist. Jalgaon.
4. The Executive Engineer,
Waghur Dam Division Jalgaon,
Tq. and Dist. Jalgaon.
5. The Executive Director,
Tapi Development Corporation Jalgaon,
Tq. and Dist. Jalgaon.

...RESPONDENTS

...

**WITH
FIRST APPEAL NO. 2587 OF 2024**

KASHINATH SENU PATIL,
Age : 74 years, Occ : Agril,
R/o At Post Hivarkhede (Bk.),
Tq. Jamner, Dist. Jalgaon.

...Appellant/ Claimant

VERSUS

1. THE COLLECTOR,
JALGAON,
Tq. & Dist. Jalgaon.
2. Special Land Acquisition Officer,
U.T.P.H.-1, Jalgaon, Tq. & Dist. Jalgaon.
3. District Rehabilitation Officer,

Jalgaon, Tq.& Dist. Jalgaon.

4. The Executive Engineer,
Waghur Dam Division Jalgaon,
Tq. and Dist. Jalgaon.
5. The Executive Director,
Tapi Development Corporation Jalgaon,
Tq. and Dist. Jalgaon.

...RESPONDENTS

...

**WITH
FIRST APPEAL NO. 2588 OF 2024**

SITARAM SENU PATIL,
Age : 71 years, Occ : Agril,
R/o At Post Hivarkhede (Bk.),
Tq. Jamner, Dist. Jalgaon.

...Appellant/ Claimant

VERSUS

1. THE COLLECTOR,
JALGAON,
Tq. & Dist. Jalgaon.
2. Special Land Acquisition Officer,
U.T.P.H.-1, Jalgaon, Tq. & Dist. Jalgaon.
3. District Rehabilitation Officer,
Jalgaon, Tq.& Dist. Jalgaon.
4. The Executive Engineer,
Waghur Dam Division Jalgaon,
Tq. and Dist. Jalgaon.
5. The Executive Director,
Tapi Development Corporation Jalgaon,
Tq. and Dist. Jalgaon.

...RESPONDENTS

...

**WITH
FIRST APPEAL NO. 2311 OF 2020
WITH
CIVIL APPLICATION NO. 14454 OF 2019
IN FA/2311/2020**

1. The Executive Engineer
Waghur Dam Division Jalgaon
Tq. & Dist. Jalgaon.

2. The Executive Director,
Tapi Development Corporation,
Jalgaon, Tq. & Dist. Jalgaon.

...APPELLANTS
(Acquiring Body)

3. The Collector, Jalgaon, Tq. & Dist. Jalgaon.

4. The Special Land Acquisition
Officer, U.T. P.H.-1
Jalgaon Tq. & Dist. Jalgaon.

5. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.

...CO-APPELLANTS
(State authorities)

VERSUS

KASHINATH SENU PATIL,
Age : 42 years, Occu: Agriculture,
R/o At. Post. Hivarkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

...RESPONDENT
(Claimant)

...

**WITH
FIRST APPEAL NO. 2314 OF 2020
WITH
CIVIL APPLICATION NO. 14456 OF 2019**

IN FA/2314/2020

1. The Executive Engineer
Waghur Dam Division Jalgaon
Tq. & Dist. Jalgaon.

2. The Executive Director,
Tapi Development Corporation,
Jalgaon, Tq. & Dist. Jalgaon.

...APPELLANTS
(Acquiring Body)

3. The Collector, Jalgaon, Tq. & Dist. Jalgaon.

4. The Special Land Acquisition
Officer, U.T. P.H.-1
Jalgaon Tq. & Dist. Jalgaon.

5. District Rehabilitation Officer,
Jalgaon, Tq. & Dist. Jalgaon.

...CO-APPELLANTS
(State authorities)

VERSUS

BHAURAO KADU BORSE,
Age : 55 years, Occu: Agriculture,
R/o At. Post. Hivarkheda Bk.,
Tq. Jamner, Dist. Jalgaon.

...RESPONDENT
(Claimant)

...

Shri Vijay B. Patil, Advocate for the original claimants in all appeals.

Shri Chetan T. Jadhav, advocate for the acquiring body in all appeals.

Mrs. Rashmi P. Gour, AGP for the the State Authorities in all appeals.

...

CORAM : KISHORE C. SANT
&
SUSHIL M. GHODESWAR, JJ.

Reserved on : 02 April 2026
Pronounced on : 20 April 2026

JUDGMENT (*Per Sushil M. Ghodeswar, J.*) :-

1. Heard the learned advocates for the respective parties at length.

2. First Appeal Nos.594/2025, 2589/2024, 2586/2024, 2585/2024, 2587/2024 and 2588/2024 are preferred by the original claimants for further enhancement, whereas First Appeal Nos.2313/2020, 2312/2020, 2316/2020, 2315/2020, 2310/2020, 2311/2020 and 2314/2020 are preferred by the acquiring body as appellants and the state authorities as co-appellants, challenging the judgment and order enhancing compensation.

3. Since these First Appeals are arising out of common judgment and order dated 21.02.2018 passed by the Reference Court i.e. 4th Joint Civil Judge, Senior Division, Jalgaon, in L.A.R. Nos.437/2010 to 443/2010, they are being decided by this common judgment. For the sake of brevity, the parties are referred to by their nomenclature in the LAR proceedings as

claimants and acquiring body.

4. It is stated that the lands from village Hivarkhede Bk., Taluka Jamner, District Jalgaon have been acquired by the Special Land Acquisition Officer in the proceedings bearing SR-No.256/03 for rehabilitation of the said village. The claimants are the owners and possessors of the said acquired lands. The notification under Section 4 of the Land Acquisition Act, 1894, was published on 02/09/2004 in the Government Gazette. After final notification, the award has been declared by the Special Land Acquisition Officer on 19/01/2007. Notice under Section 12(2) of the Act was issued on 23/01/2007 and accordingly, payment towards compensation of acquired lands was made on 02/02/2007 and it was received by the claimants under protest reserving their rights to prefer references.

5. Being aggrieved by the quantum of compensation awarded by the Special Land Acquisition Officer, the claimants preferred reference applications under Section 18 of the Land Acquisition Act, 1894, as under:-

Sr.No.	Name of claimant	LAR Nos.	First Appeal
1.	Godavari Dattu Mahajan	437/2010	594/2025

2.	Kashinath Senu Patil	438/2010	2587/2024
3.	Bhaurao Kadu Borse	439/2010	2589/2024
4.	Rajanibai Sitaram Patil	440/2010	2586/2024
5.	Yuvraj Laxman Patil	441/2010	2585/2024
6.	Balu Dattatray Patil	442/2010	He not filed
7.	Sitaram Senu Patil	443/2010	2588/2024

6. The learned Reference Court vide common judgment and order dated 21.02.2018 partly allowed references and enhanced compensation. Operative order of the learned Reference Court reads thus:-

“1) The references are partly allowed with proportionate costs.

2) The opponents shall pay to the applicants enhanced compensation for their acquired lands as under:-

Sr. Nos.	LAR Nos.	Gat Nos.	Area in Square Metre	Rate per Square Metre
1)	437/2010	133/2 P	8100	Rs.500/-
2)	438/2010	130/2	15800	Rs.500/-
3)	439/2010	131	5400	Rs.500/-
		132	13200	Rs.500/-
4)	440/2010	133/1	14100	Rs.500/-
5)	441/2010	128/1	40050	Rs.500/-
6)	442/2010	130/1 P	4000	Rs.500/-
7)	443/2010	130/1 P	10200	Rs.500/-

3) The compensation paid by SLAO for the acquired lands be deducted.

4) The opponents shall pay to the applicants,

Component on the enhanced market value of land @ of 12% per annum from the date of notification u/s.4 of the Act i.e. from 02/09/2004 till the date of declaration of award i.e.19/01/2007 as per section 23 (1-A) of the Act.

5) The opponents shall pay to the applicants 30% Solatium on the enhanced market value of land as per section 23(2) of the Act.

6) The opponents shall pay to the applicants interest u/s.28 of the Act @ of 9% per annum for the first year from the date of possession i.e. 02/02/2007 and thereafter @ of 15% per annum till realization of the entire amount.

7) The applicants do pay requisite Court-fees, if any.

8) Bill of costs be prepared accordingly.

9) The original Judgment be kept in LAR No.437/2010 and its true copies be kept in other reference applications.”

7. Being aggrieved by this judgment and order dated 21.02.2018, the claimants have approached this Court for enhancement of compensation, whereas, the respondents/ acquiring body and State authorities have approached for quashing and setting aside the impugned enhanced compensation.

8. During the course of hearing, the learned advocate Shri Vijay Patil appearing for the claimants, submitted that there is judgment of the Reference Court in LAR No.2303/2005 in respect of the lands acquired from adjacent village Chinchkheda

wherein, Rs.600/- per square meter rate was granted and this rate was also confirmed by this Court in First Appeal (stamp) No.26378/2010. According to the learned advocate, Section 4 notification was published on 18.09.1999 in respect of village Chinchkheda and considering 10% rise in prices of lands, the market price of land in village Chinchkheda in 2004 comes to Rs.840/- per square metre. However, the learned Reference Court has erroneously not considered this aspect solely on the ground that village in the present case i.e. Hivarkhede is away from two and half kilometers from Jalgaon Jamner State Highway and the said village Chinchkheda is situated near State Highway.

9. The learned advocate Shri Vijay Patil further submitted that though the learned Reference Court has observed that proper market price of open lands of village Hivarkhede on the date of notification i.e. 02.09.2004 could be Rs.700/- per square metre, however, has erroneously granted rate of Rs.500/- per square metre.

10. The learned advocate Shri Vijay Patil further submitted that sale deeds dated 08.01.2004 and 20.01.2004 are

produced on record wherein, the land was sold for Rs.1071/- per square metre. However, the learned Reference Court has ignored this evidence by erroneously observing that these sale instances are rigged in anticipation of acquisition of land and hence, do not appear to be genuine sale deeds. According to the learned advocate, in fact, this evidence of sale deeds has remained unchallenged and those sale deeds are not proved to be fraudulent sale deeds. Therefore, evidentiary value of sale deeds is intact and deserves due consideration for enhancement of compensation in this case.

11. It is further submitted by the learned advocate Shri Patil that the lands of the claimants have been acquired as compulsory acquisition for rehabilitation of village Hivarkhede and these lands are adjacent to village Gavthan. As such, the acquired lands have potentiality of non-agricultural lands. In such circumstances, the Reference Court ought to have granted enhanced compensation as prayed by the claimants. The learned advocate for the claimants, therefore, prayed for allowing the appeals for enhancement of compensation.

12. In support of above submissions, the learned

advocate Shri Patil has relied upon several citations, some of which are as under :-

(a) Ali Mohammad Beigh and others vs. State of Jammu and Kashmir, 2017 (4) SCC 717.

(b) Madhukanta M. Chinchani and others vs. Special Land Acquisition Officer and another, 2016 (12) SCC 558.

(c) Priyadarshan Rajkamal Bharti vs. State of Maharashtra, 2025 (1) Mh.L.J. 278.

(d) Bayaji Tatya Kalunge vs. State of Maharashtra, 2007 (2) All MR 316.

(e) Kamlabai Ganeshsingh Parihar vs. State of Maharashtra, 2023 (6) Mh.L.J. 370.

(f) Anil Kumar Soti and others vs. State of Uttar Pradesh, 2022 (2) SCC 268.

13. On the other hand, the learned advocate Shri Chetan Jadhav appearing for the acquiring body strongly opposed the appeals of the claimants. He submitted that the ground of parity is not attracted in the present matter and the claimants will have

to establish their case independently. The Reference Court has erroneously enhanced compensation by granting rate of Rs.500/- per square meter, which is more than 25 times increase. There were no constructions on the acquired lands. The Reference Court has not observed anything about procedural error in the approach of the Land Acquisition Officer while arriving at market value and therefore, the offer made by the Land Acquisition Officer ought not to have been neglected by the Reference Court.

14. According to the learned advocate Shri Jadhav, the judgment of this Court in First Appeal (stamp) No.26378/2010 can be relied upon for the purpose of dismissal of appeal of the acquiring body, but cannot be relied upon for enhancement of compensation. In the present case, there is only one Gat number, which is converted to NA use, therefore, unless growth potential of village is pointed out, it cannot be presumed that the acquired lands could also have non agricultural potential. According to the learned advocate, prices of lands nearby highway could not have been considered for the ground of parity.

15. The learned advocate Shri Jadhav further submitted

that the claimants have dragged the matter from 05.03.2007 till 07.02.2018 when the arguments were concluded and the judgment is delivered on 21.02.2018. Therefore, the claimants are not entitled for interest of 15% per annum from 23.04.2013 till 07.02.2018. According to the learned advocate, the Reference Court while granting per square meter rate did not apply deductions or betterment charges for putting an agricultural land into non-agricultural. Therefore, analogy of giving per square meter rate for such lands for which the Land Acquisition Officer had offered per hectare rate, needs interference.

16. According to the learned advocate Shri Jadhav, the learned Reference Court ought to have considered that the award was rightly passed by the Land Acquisition Officer on the basis of prevailing market rate at the time of notification under Section 4 and therefore, the same was just and proper. However, the learned Reference Court has erroneously enhanced the compensation, which the claimants are not entitled to receive. The Reference Court has committed an error in not considering evidence on record in proper perspective and has wrongly awarded compensation on the basis of square meter rate. As such,

the learned advocate Shri Jadhav has prayed for allowing the First Appeals filed by the acquiring body and for dismissing the First Appeals filed by the claimants.

17. In support of above submissions, the learned advocate Shri Jadhav has relied upon following citations:-

(a) First Appeal No.630/2011 (The Executive Engineer Waghur vs. Prakash Shefadu Sonawane and others), Aurangabad Bench, decided on 03.05.2011.

(b) First Appeal (stamp) No.26378/2010 (The Executive Engineer Waghur vs. Sanjay Bhaurao Patil and another), Aurangabad Bench, decided on 29.07.2011.

(c) Basant Kumar vs. Union of India, 1996 (11) SCC 542.

(d) Manoj Kumar vs. State of Haryana and others, 2018 (13) SCC 96.

18. The learned AGP Mrs. Gour appearing for the State Authorities has adopted the submissions of the learned advocate Shri Jadhav.

19. After considering the submissions of the learned advocates for the respective parties and perusing the record with their assistance, it is evident that the acquiring body had full opportunity to produce evidence of all sale instances before the Reference Court, however, it has failed to produce the same and no satisfactory explanation is put forth for not producing sale instances relied upon by the Special Land Acquisition Officer. The claimants have already withdrawn substantial amount. On the other hand, the claimants have produced evidence in the form of sale deeds of nearby areas and these sale instances indicate that the market value is significantly higher than the awarded amount.

20. The Reference Court has observed that Chinchkhed is a village abutting the highway and has awarded a rate of ₹500 per square meter after applying deductions. However, the percentage of deduction applied is excessive and not based on any reliable evidence. The claimants have established access to road, proximity to a developing area, and potential for non-agricultural use. No additional evidence is required, as the existing record itself justifies appropriate enhancement.

21. In First Appeal (stamp) No.26378/2010 and First Appeal No.630/2011, the challenge by the acquiring body was rejected due to lack of sufficient evidence. In those cases, the observations regarding non-examination of the valuer, pertained to properties with constructed structures. The present lands are simple agricultural open lands. Valuation of open agricultural lands primarily depends on comparable sale instances and not on valuation of constructed properties. Therefore, the said decisions do not support the acquiring body.

22. Upon overall consideration of the evidence on record, it is evident that the Reference Court has correctly discarded unreliable sale instances but has erred in applying excessive deductions. The comparable instance from village Chinchkheda, which has attained finality, cannot be ignored merely on the ground of slight locational disadvantage, particularly when the distance is marginal and the lands are otherwise similar in nature and potential. At the same time, full parity with Chinchkheda is not warranted in view of its proximity to the State Highway. Therefore, reasonable deduction is required. Considering the time gap, location, and development

potential, this Court is of the opinion that the ends of justice would be met by fixing the market value at ₹600/- per square meter.

23. Reliance placed by the acquiring body on the decisions in Basant Kumar and Manoj Kumar (supra) is misplaced. In those cases, the Hon'ble Supreme Court emphasized strict proof of comparable instances and cautioned against speculative enhancement. In the present case, however, there exists cogent evidence in the form of comparable awards and sale instances, which have not been effectively rebutted by the acquiring body. Hence, the said judgments are clearly distinguishable on facts.

24. Insofar as the issue of delay is concerned, the record indicates that the claimants have contributed to delay in proceedings. In view of the law laid down by the Full Bench of this Court in *State of Maharashtra vs. Kailash Shiva Rangari, 2016 AIR (BOM) 141*, this Court is empowered to regulate the grant of interest for the period attributable to such delay. Hence, the claimants would not be entitled to interest for the said period.

25. Hence, the following order:-

ORDER

(a) The First Appeals filed by the claimants, are partly allowed, whereas, the First Appeals filed by the acquiring body and State authorities are dismissed.

(b) The claimants are entitled to the rate of Rs.600/- per square meter.

(c) The claimants are entitled to have the rate of interest as per the judgment of the Full Bench of this Court in State of Maharashtra vs. Kailash Shiva Rangari, 2016 AIR (BOM) 141.

(d) The claimants shall not be entitled to interest under Section 28 of the Land Acquisition Act, 1894, for the period of delay attributable to them.

(e) Save and except above modification, rest of the impugned judgment and order dated 21.02.2018 shall stand confirmed.

(f) Award be drawn accordingly.

(g) The claimants shall pay deficit court fees.

(h) Record and proceedings be sent back to the Reference Court.

(i) The pending Civil Applications do not survive and stands disposed of.

kps

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)