



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 FIRST APPEAL NO. 159 OF 2026

NAMDEV HARIBHAU KAKDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND ORS

...

Advocate for Appellant : Mr. Kakade Deepak M.
AGP for Respondents-State : Mr. S. N. Morampalle.
Advocate for Respondent No.3 : Mr. B. R. Surwase.

...

AND

11 FIRST APPEAL NO. 481 OF 2023

SHESHRAO NARAYAN MHASKE (DIED) THR LRS MIRA AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Appellants : Mr. Kakade Deepak M.
AGP for Respondents-State : Mr. N. D. Raje.
Advocate for Respondent No.3 : Ms. Deshpande Geeta L.

...

WITH

FIRST APPEAL NO. 3593 OF 2022

DEVIDAS APPARAO BAHEKAR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Appellant : Mr. Kakade Deepak M.
AGP for Respondents-State : Mr. N. D. Raje.
Advocate for Respondent No.3 : Mr. Patnurkar V. D.

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 23.01.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage with consent of the parties.

2. The appellants are challenging judgment and award passed by the Reference Court by which the enhancement is granted to the extent of Rs.2500/- per R. for dry land but benefit of escalation by cumulative effect has not been extended. On the ground of parity, they are soliciting benefit of parity and for that purpose reliance is placed on common judgment dated 23.12.2025 passed in group of appeals.

3. Appeals are contested by the respondents. It is submitted that no case is made out for extending the benefits of escalation. It is further submitted that interest has been awarded in violation of the law laid down by Full Bench.

4. The lands in question are acquired for Nimna Dudhana Project and they are from village Padali. The notification under Section 4 was issued on 09.08.2002. Thereafter, award was passed on 05.08.2005.

5. Following are the material particulars in the present first appeals :

Sr. No.	First Appeal No.	L.A.R. No.	Gut No.	Total Acquired Area	SLAO rate per R as per Award	Reference Court enhanced rate per R	Type of land reference court awarded			
							Dry Land	Semi Irrigated	Irrigated	Pot Kharab
901	159/2026	248/2010	12/2 12/3 12/2	61 183 111	Rs.783/-	Rs.2500/-	61 183 111			
11	481/2023	440/2010	50/A	166	Rs.792/-	Rs.2500/-	153	13		
11	3593/2022	532/2010	38/B	189	Rs.679/-	Rs.2500/- Rs.3750/- Rs.1250/-	133	43		13

6. In similar set of circumstances, when lands from village Padali were acquired for self-same project, this Court allowed appeals and granted

benefit of escalation, inter alia relying upon consistent view taken by this Court. In those matters also, the date of notification was identical. The benefit of escalation for six (6) years @ of 10% was awarded. Present case is squarely covered by the judgment. The classification upheld by the Reference Court has not been controverted by the respondents. Appellants are entitled the rate of Rs.4426/- per R. for dry land, Rs.6629/- per R. for seasonable irrigated land and Rs.2213/- per R. for Pot Kharab land as the case may be. I, therefore, pass following order :

ORDER

- (i) First Appeals are allowed partly.
- (ii) The appellants shall be entitled to receive rate of Rs.4426/- per R. for dry land, Rs.6629/- per R. for seasonable irrigated land and Rs.2213/- per R. for Pot Kharab land, as the case may be.
- (iii) The appellants shall not be entitled to interest and statutory benefits for the delayed period.
- (iv) The appellants shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
- (v) Save and except above modification. Impugned judgment and award passed by Reference Court shall stand unaltered.
- (vi) The appellants shall pay deficit court fees, if any.

- (vii) Record and proceeding be sent back to the concerned Court, if any.
- (viii) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-