



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 FIRST APPEAL NO. 2238 OF 2024
WITH
CIVIL APPLICATION NO. 11697/2023
IN FA 2238/2024

THE EXECUTIVE ENGINEER MEDIUM PROJECT OSAMNABAD
DISTRICT OSMANABAD

VERSUS

SUGRIV PARASNATH PAWAR AND ORS

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Advocate for Appellant : Mr. Koralkar Arun Hanumant
Advocate for Respondent no. 1 : Mr. Pandurang Chokhat h/f Mr.Undre
Vikram Shivaji

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WITH
FIRST APPEAL NO. 2239 OF 2024
WITH
CIVIL APPLICATION NO. 11699/2023
IN FA 2239/2024

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WITH
FIRST APPEAL NO. 2240 OF 2024
WITH
CIVIL APPLICATION NO. 11710 OF 2023
IN FA/2240/2024

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WITH
FIRST APPEAL NO. 2241 OF 2024
WITH
CIVIL APPLICATION NO. 11707 OF 2023
IN FA/2241/2024

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WITH
FIRST APPEAL NO. 2242 OF 2024
WITH
CIVIL APPLICATION NO. 11705 OF 2023
IN FA/2242/2024

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WITH
FIRST APPEAL NO. 2243 OF 2024

WITH
CIVIL APPLICATION NO. 11703 OF 2023
IN FA/2243/2024

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WITH
FIRST APPEAL NO. 2244 OF 2024
WITH
CIVIL APPLICATION NO. 11701 OF 2023
IN FA/2244/2024

CORAM : SHAILESH P BRAHME, J.

DATE : 09.03.2026

PER COURT :

Heard both sides finally. These appeals can be disposed of as the limited issue is involved, as to whether the Reference Court is justified in awarding the interest under Section 23, 28 and 29 of the Land Acquisition Act in accordance with law.

2. Learned counsel for the appellant Mr. Koralkar submits that the Acquiring Body is aggrieved by the operative part pertaining to payment of interest which is directed to be from the date of publication of notification under Section 4(1) of the Land Acquisition Act instead of date of Award as per judgment rendered by this Court in the matter of State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]. It is further submitted that the payment of interest under Section 23 has been awarded illegally.

3. Learned counsel for the respondents/claimants submits that the submissions of the appellants have no merits. The Reference Court has rightly appreciated the material on record and justified in awarding interest under Section 23, 28 and 29 of the L.A.Act. He would submit that the appeals are liable to be dismissed.

4. Following are the material particulars:

FA No.	LAR No.	House no.	Total Acquired area in sq.mt.	Notification u/s.4	Award u/s. 11 date	SLAO rate as per award	Reference Court enhanced rate
2238/2024	502/2012	44/14 3/2	19.50-Total built up 20.10 total open space	08.03.2001	14.01.2008	Rs.63,250/-	Rs. 1,35,700/-
2240/2024	430/2012	55/2	40 – 16.15 built up & 23.85 open space	08.03.2001	14.01.2008	Rs.39,728/-	Rs. 82,500/-
2239/2024	496/2012	149/2	20.90 – 14.40 built up & 6.50 open space	08.03.2001	14.01.2008	Rs. 16,552/-	Rs. 32,600/-
2244/2024	497/2012	149/1	19.45- 12.95 built up & 6.50 open space	08.03.2001	14.01.2008	Rs. 20,235/-	Rs. 49,000/-
2243/2024	498/2012	149/3	19.45- 12.95 built up & 6.50 open space	08.03.2001	14.01.2008	Rs. 14,892/-	Rs.29,000/-
2242/2024	500/2012	44/3	20.80 total built up	08.03.2001	14.01.2008	Rs. 65,907/-	Rs.1,29,900/-
2241/2024	501/2012	44/2	16.10 total built up	08.03.2001	14.01.2008	Rs.44,621/-	Rs. 81,000/-

5. The house properties of the respondents have been acquired for Lower Khairi Brahat Minor Percolation Tank vide notification issued under Section 4 of the L.A. Act on 08.03.2001. Award was passed on 14.01.2008. The appellants are challenging the rate or the quantum arrived at by the Reference Court in the impugned judgment. Operative part of the Reference Court judgment, which is under question discloses that instead of awarding interest under Section 28 and 34 of the L.A. Act from the date of award, it has been awarded from the date of notification under Section 4 of the L.A. Act. I find substance in the submissions of the learned counsel Mr. Koralkar that reference court committed error of jurisdiction while awarding interest under Section 28 and 29, which needs to be corrected.

6. It also reveals that the interest under Section 23 is payable from the date of notification under Section 4(1) in the official gazette as per law laid down by Supreme Court in **Kolkata Metropolitan Development Authority (supra)**.

7. Learned counsel for the appellants submits that interest under Section 23 is payable from the date of publication, which comes to 15.12.2002 but the Reference Court awarded it from the date of 08.03.2001. The submission cannot be countenanced as it counter to the law laid down by the Supreme Court. I, therefore, pass following order.

ORDER

- (I) First Appeals are allowed partly.
- (II) Paragraph no. 4 of the operative part of the judgment and award shall be modified to the extent that the interest under Section 28 and 34 of the L.A.Act shall be payable from the date of award as laid down in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**.
- (III) Save and except the impugned judgment and award shall remained unaltered.
- (IV) The amount with interest if any remained to be disbursed shall be disbursed to the respondents/claimants.
- (V) Award be drawn accordingly.
- (VI) Pending Civil Applications are disposed of.

(SHAILESH P. BRAHME, J.)

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