



IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD

57 FIRST APPEAL NO. 1100 OF 2025

DATTATRAYA MANIKRAO KASHTTE DIED THR LRS
NEELKANTH DATTARAO KASHTTE AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
PARBHANI AND ORS.

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Advocate for Appellants : Mr. Kakade D. M., Mr. Kakde S. M.

AGP for Respondent/s-State : Mr. S. N. Morampalle.

Advocate for Respondent No.3 : Mr. Tambe Rahul A.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 10.03.2026

FINAL ORDER :-

1. Heard both sides.
2. Appellants are seeking enhancement of the compensation by challenging judgment and award passed by the Reference Court on 04.03.2015 in LAR. No.91 of 2012. Reliance is placed upon the consistent view being taken by this Court in number of matters arising out of the acquisition proceedings initiated for Nimna Dudhana Project. A copy of common order dated 03.02.2026 is placed on record to show that consistent view being taken. Inter alia relied upon the judgment in case of *Pralhad Annasaheb Nirwal Vs. State of*

Maharashtra and others in First Appeal No.1778 of 2024 with connected matters on 11.12.2025. This Court has taken consistent view in the matter of acquisitions of lands from cluster of villages for 'Nimna Dudhana Project'. After considering all aspects of the matter, rate of Rs.2,500/- per R. for Jirayat land Rs.3,750/ per R. for Semi irrigated land, Rs.5,000/- for per R. irrigated land and Rs.1,250/- per R. for pot kharab land have been arrived at. The benefit of escalation has also been granted in numerous cases. Present case is squarely covered by one such common judgment of ***Pralhad Annasaheb Nirwal*** (supra).

3. Learned counsel Mr. Tambe appearing for the respondent No.3 opposes the submissions. It is submitted that the appellants are unable to point out the similarity of the lands acquired in the present appeal and the lands from which various appeals were preferred. It is submitted that the ground of parity cannot be made applicable in the present case.

4. Appellants' land was acquired vide notification dated 10.03.2006. It was recorded to be irrigated land which is not disputed by the respondents. It is vehemently submitted that appellants are not entitled to any escalation. This Court is

being consistent in awarding the benefit of escalation with cumulative effect and applying the rate of Rs.5,000/- per R. for perennially irrigated land. In case of acquisition for Nimna Dudhana Project. Present case is squarely covered by the consistent view being taken by this Court. Appellants are claiming escalation for nine years and eleven months. However, they are not entitled to receive escalation for balance 11 months. They will have get the escalations @ Rs.10% per annum. In that view of the matter, they are entitled to receive rate of Rs.11,790/- per R. for perennially irrigated land. I, therefore, pass the following order:

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellants shall be entitled to receive rate of Rs.11,790/- per R. for perennially irrigated land.
- (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 of the Land Acquisition Act 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/-