



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

**28 FIRST APPEAL NO. 4054 OF 2022
WITH
CIVIL APPLICATION NO. 12815 OF 2022
IN FA/4054/2022**

EX. ENGINEER, OSMANABAD MEDIUM PRO. DIV. OSMANABAD (WATEFAL
STORAGE TANK) OSMANABAD

VERSUS

SHARDABAI ACHUTRAO SAWANT

...

Advocate for Appellant : Mrs. Shelke Sunita Dasharat

...

**31 FIRST APPEAL NO. 600 OF 2023
WITH
FIRST APPEAL NO. 601 OF 2023
WITH
FIRST APPEAL NO. 602 OF 2023**

EX. ENGINEER, OSMANABAD MEDIUM PRO. DIV. OSMANABAD (WATEFAL
STORAGE TANK) OSMANABAD

VERSUS

LAXMAN BABAN DEOKAR AND ORS

...

Advocate for Appellant : Mrs. Shelke Sunita Dasharat

...

**32 FIRST APPEAL NO. 658 OF 2023
WITH
FIRST APPEAL NO. 659 OF 2023
WITH
FIRST APPEAL NO. 660 OF 2023**

EX. ENGINEER, OSMANABAD MEDIUM PROJECT DIV. OSMANABAD
(WATEFAL STORAGE TANK) AND ORS

VERSUS

VENKATESH NARAYAN JAHAGIRDAR (DIED) SUMAN (DIED) THR LRS
MUKUND

...

Advocate for Appellant : Mrs. Shelke Sunita Dasharat
Advocate for Respondents in FA 658/2023 and 659/2023 : Mr. Madhav K.
Jadhav h/f Mr. More Abhijit S.

..

36 FIRST APPEAL NO. 2602 OF 2024

THE EXECUTIVE ENGINEER SEENA KOLEGAON PROJECT DIVISION
PARANDA

VERSUS

BHAGWAN S/O DATTA DEVIKAR AND ORS

...

Advocate for Appellant : Mr. Shelke Sunita Dasharat
AGP for Respondent/State : Mr. S.N. Morampalle

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41 CIVIL APPLICATION NO. 9849 OF 2023

IN FAST/24470/2023

WITH

CIVIL APPLICATION NO. 9850 OF 2023

IN FAST/24470/2023

EX. ENGINEER IRRIGATION DEPT. STRENGTHENING DIV. OMERGA NOW
K.M.C.D. NO. 1 OBAD UNDER GMIDC AND

VERSUS

MOHAN MAHADEO RONGE AND ANR

...

Advocate for Applicant : Mr. Shelke Sunita Dasharat

...

WITH

CIVIL APPLICATION NO. 2708 OF 2023

IN FAST/6844/2023

WITH

CIVIL APPLICATION NO. 2709 OF 2023

IN FAST/6844/2023

THE EXECUTIVE ENGINEER, SEENA KOLEGAON PROJECT, PARANDA
VERSUS

MACHINDRA SUKHADEO GHADGE AND OTHERS

...

Advocate for Applicant : Mrs. Shelke Sunita Dashrath

CORAM : SHAILESH P. BRAHME, J.

DATE : 23.02.2026

PER COURT :

Civil Application No. 2708/2023 with Civil Application No.
2709/2023 are not on board. Taken on board, on mentioning.

CIVIL APPLICATIONS FOR CONDONATION OF DELAY

2. The applicant-Acquiring Body seeks to condone delay in preferring appeals. The respondents have no serious objection for condonation of delay. The matters are squarely covered by the view taken by this Court. It is desirable to condone the delay.

3. The delay stands condoned.

4. The Civil Applications are disposed of.

FIRST APPEAL (STAMP) :

5. The appellant-Acquiring Authorities are challenging the judgment and award passed by the Reference Court. Challenge is restricted to awarding interest. The appeals are squarely covered by the consistent view being taken by this Court in various judgments, following law laid down in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**. The copy of the common order passed on 05.02.2026 in First Appeal No. 4044/2023 and connected appeals is placed on record. The award of interest in the impugned judgment is clearly against the settled legal position, which needs to be rectified. I, therefore, pass following order :

ORDER

- (i) First Appeals are allowed partly.
- (ii) The respondents/claimants are entitled to receive interest under Section 28 and 34 of the Land Acquisition Act from the date of Award under Section 11 of the Act and not from the date of notification.
- (iii) The payment of interest in all appeals shall be as per law laid down in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016(4) All MR 513.**

(iv) Impugned judgment and award passed by the Reference Court shall stand modified to the extent stated above and rest of the award shall remain unaltered.

(v) The amounts deposited by the appellants in this Court or the Reference Court shall be disbursed to the respondents/claimants with accrued interest as per the modifications referred above.

CIVIL APPLICATIONS FOR STAY :

In view of disposal of the first appeals, the Civil Applications are disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-