



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CIVIL APPLICATION NO. 2782 OF 2024
IN FIRST APPEAL NO.1297 OF 2024

THE EXECUTIVE ENGINEER, IRRIGATION DIVISION OSMANABAD AND
ORS

VERSUS

RAOSAHEB DAGADU LAKAL DIED HIS LRS BALAJI AND ANR

...

Advocate for Applicants/Appellants : Ms. Gaikwad Sarita V.
Advocate for respective Respondents : Mr. Wakure Sanjay A.

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 11.02.2026

FINAL ORDER :-

1. Heard both sides. Taken up for final disposal at the admission stage with consent of the parties.
2. The acquiring body is aggrieved by the judgment and award dated 10.04.2023 passed in LAR. No.177 of 2018. Appeal is restricted to the award of interest under Section 28 and 34 of the Land Acquisition Act. It is contended that interest has been awarded in violation of law laid down by the judgment of Full Bench in case of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]*.
3. Learned counsel appearing for respondents would contest the appeal.
4. I have gone through impugned judgment and award. The operative

part shows that interest @ 9% per annum is awarded for the first year from the date of notification under Section 4 instead of awarding it from the date of award. The settled legal position is overlooked by the Reference Court. In the present case, award was passed on 26.02.1999. The claimant is entitled to have interest for the first year from the date of award. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) Clause No.4 of operative part of the impugned judgment and award shall be substituted as follows :
 - “(a) The respondent shall pay interest under Section 28 and 34 of the Land Acquisition Act as per law laid down by Full Bench in case of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]*.”
 - (b) Save and except above modification. Rest of the Impugned judgment and award shall remain unaltered.
 - (c) The amount deposited by the acquiring body with accrued interest before the Reference Court shall be disbursed to the respondents/claimants as per their share.
 - (d) Pending civil application disposed of accordingly.”

(SHAILESH P. BRAHME, J.)

...