



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 FIRST APPEAL NO. 2838 OF 2025

BHAGIRATHIBAI W/O RAMBHAU YADAV DIED THROUGH RAMBHAU DIED
THROUGH VASANT AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR, BEED

...

Ms. Jadhav Tanvi V., Advocate for Appellants

Mr. S. N. Morampalle, AGP for Respondent No.1/State

Mr. V. C. Solshe, Advocate for Respondent No.2

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CORAM : SHAILESH P. BRAHME, J.

DATE : 21.01.2026

PER COURT :-

- . Heard both sides finally with their consent.
2. First Appeal is directed against judgment and award dated 23.10.2023 passed by the Reference Court in LAR No.45 of 2006.
3. There is limited grievance raised by the appellants that they have not been granted interest under Section 28 of the Land Acquisition Act, 1894, despite the enhancement granted by the Reference Court.
4. In the present case, SLAO awarded rate of Rs.345 per Are which is enhanced by the Reference Court to the tune of Rs.3000/- per Are. Impugned judgment reflects the entitlement of the appellants to the interest. The clause (3) of operative part spells out payment of interest under Section 34. As there

is enhancement, the appellants are also entitled to receive interest under Section 28 as well. The interest shall be payable as per the law laid down by the full bench in State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)1411].

ORDER

- a. First Appeal is allowed.
- b. The appellants shall be entitled to the interest under Section 28 of the Land Acquisition act, 1894 at the rate of 9% from the date of award till the disbursement of the payment for one year and thereafter at the rate of 15% till the realization of the amount of compensation.
- c. The appellants shall not be entitled to the interest and statutory benefits for 459 days.
- d. Save and except above modification, impugned judgment and award shall stand unaltered.
- e. Award be drawn accordingly.
- f. The appellants shall pay deficit court fees.

(SHAILESH P. BRAHME, J.)