



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO. 2333 OF 2026
IN FAST/3785/2026

ASHOK S/O VISHNU GAYKE AND OTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, PARBHANI
AND OTHER

...

Advocate for Applicants : Mr. Bhise Vitthal Dnyanoba.

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

Advocate for Respondent No.3 : Mr. B. R. Surwase.

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AND

12 CIVIL APPLICATION NO. 2437 OF 2026
IN FAST/3803/2026

BALAJI S/O NAFU GAYKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, PARBHANI
AND OTHERS

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Advocate for Applicant : Mr. Bhise Vitthal Dnyanoba.

AGP for Respondent/s-State : Mr. N. D. Raje.

Advocate for Respondent No.3 : Mr. B. R. Surwase.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 13.03.2026

FINAL ORDER :-

Civil Applications for Delay

1. Applicants seek to condone delay of 3842 and 3843 days in preferring respective first appeals.
2. The averments of the applications have not been controverted. There is no reason to infer any malafides on the part of the applicants. Applicants

are ready to give up interest and statutory benefits for the delayed period. The delay stands condone.

3. Civil applications are allowed on the condition that applicants shall not be entitled to interest and statutory benefits for the delayed period.

First Appeals

4. Heard both sides finally at the admission stage with consent of the parties.

5. Appellants in respective first appeals are challenging common judgment and award dated **16.04.2015** passed in **L. A. R. Nos.81 of 2011 and 75/2011**. They are claiming enhancement of the compensation and the benefit of escalation on the ground of parity. For that purpose, reliance is placed on consistent view being taken by this Court in numerous matters. One such elaborate judgment is passed in the matter of ***Pralhad Annasaheb Nirwal Vs. State of Maharashtra and others in First Appeal No.1778 of 2024*** with connected matters **on 11.12.2025**.

6. Learned Assistant Government Pleaders for the respondents/State and the learned counsel for the acquiring body would oppose the submissions. It is submitted that the ground of parity is not attracted in the present appeals. Appellants have failed to make out a case for enhancement and the appeals are liable to be rejected.

7. In the present cases, the lands from village Salegaon, Tq. Sailu, Dist. Parbhani have been acquired for 'Nimna Dudhana Project'. The lands have

been classified as **dry lands**. The classification has not been disputed by both the parties. The notification under Section 4 of the Land Acquisition Act was issued on **17.03.2005** which is relevant for determining the escalation.

8. Following are the material particular of the appeals :

FA Stamp Nos.	LAR Nos.	Gat No.	Total area	Notification date u/s.4	Award u/s. 11 date	SLAO rate as per award	Ld. Reference Court enhanced rate per R	Type of land Ld. Reference Court awarded			
								Dry	Semi irrigated	Irrigated	Pot khara b
3785/2026	81/2011	14	01 H 58 R	17.03.2005	19.06.2006	Rs 990/-	Rs 2,250/-	01 H 58 R			
3803/2026	75/2011	72	00 H 48 R	17.03.2005	19.06.2006	Rs 990/-	Rs 2,250/-	00 H 48 R			

9. This Court has taken consistent view in the matters of acquisitions of lands from cluster of villages for 'Nimna Dudhana Project'. After considering all aspects of the matters, rates 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 vs. State of Maharashtra and others* (supra). Appellants are entitled to receive rate of Rs.2,500/- per R. for dry land, and escalation for 08 years 11 months and 17 days at the rate of 10% per annum. Thus, the appellants are entitled to receive rate of Rs.5,869/- per R. for dry lands. The payment of interest shall be governed by the decision of the Full Bench of this Court in the matter of *State of Maharashtra Vs. Kailash Shiva Rangari reported in [2016 AIR (Bom.)141]*. I, therefore, pass following order :

ORDER

- (i) First appeals are allowed partly.
- (ii) The appellants shall be entitled to receive rate of Rs.5,869/- per R. for dry lands.
- (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 from the date of award 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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