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SR. 10, 15, 16 and 17

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 4377 OF 2026
IN FAST/9002/2026

NARAYAN S/O. NIVRATTI SATPUTE AND ANR.
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE DIST COLLECTOR PARBHANI AND ORS.

15 CIVIL APPLICATION NO. 4401 OF 2026
IN FAST/9209/2026

WAMANRAO S/O. GOVINDRAO AUTE.
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE DIST COLLECTOR PARBHANI AND ORS.

16 CIVIL APPLICATION NO. 4406 OF 2026
IN FAST/9172/2026

SHIVAJI S/O. GOVINDRAO AOUTE (DIED) THR HIS LEGAL REPR. SAGARBAI
AND ORS.
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE DIST COLLECTOR PARBHANI AND ORS.

17 CIVIL APPLICATION NO. 4407 OF 2026
IN FAST/8985/2026

SUNDAR S/O. BABANRAO GADEKAR DIED THROUGH
HIS LEGAL REPR. YAMUNA AND ORS.
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE DIST COLLECTOR PARBHANI AND ORS.

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Advocate for applicant : Mr. Vitthal D. Bhise and Mrs. Shital S. Adkine
Advocate for Acquiring Body : Mr. B.R. Survase
AGP for respondent – State : Mr. G.O. Wattamwar (10,15), Mr.
S.B.Narwade (16), Mr. S.V. Hange (17)

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06 MAY 2026

PER COURT :-

Civil Applications for Condonation of Delay

Heard both sides.

2. The applicants are seeking condonation of delay ranging from 6969 days, respectively, in preferring the First Appeals.
3. The applications are contested by the respondents.
4. Considering the contentions in the applications, I find no *mala fide* on the part of the applicants in preferring the Appeals belatedly.
5. In view of the consistent view taken by this Court, appellants are ready to give up the interest and statutory benefits for the delayed period.
6. Delay stands condoned. Civil Applications No. 4377, 4401, 4406 and 4407 all of 2026 are allowed.

FIRST APPEALS

7. Appellants are challenging judgments and awards dated 28.03.2007 passed in LAR No. 13 of 2005, dated 31.10.2006 passed in LAR

No. 12 of 2005, dated 31.10.2006 passed in LAR No. 16 of 2005 and dated 31.10.2006 passed in LAR No. 14 of 2005, respectively. 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.**

8. Learned counsel for the respondents would oppose the submissions. It is submitted that the ground of parity is not attracted in the appeal. Appellants have failed to make a case for enhancement and the appeals are liable to be rejected.

9. In the present case, the land from village Gomewakdi, Taluka Sailu, District – Parbhani has 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 was issued on 08.03.2001 which is relevant for determining the escalation.

10. Following are the material particular of the appeals :

FAST No.	LAR No.	Gut No.	Total Acquired area	Notification u/s.4	Award u/s. 11 date	SLAO rate as per award	Ld. Reference Court	Type of land Ld. Reference Court awarded

							enhanced rate per R				
								Jirayat	Semi irrigat ed	Irrig ated	Pot kharab
9002/2026	13/2005	58	68 R	08.03.2001	30.06.2004	760/-	1100/-	68 R	--	--	--
9209/2026	12/2005	57, 58	1 H 53 R	08.03.2001	30.06.2004	760/-	1100/-	53 R			
9172/2026	16/2005	58	45 R	08.03.2001	30.06.2004	760/-	1100/-	45 R			
8985/2026	14/2005	56	45 R	08.03.2001	30.06.2004	760/-	1100/-	45 R			

11. 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 Are for Jirayat land Rs.3,750/- per Are for Semi irrigated land, Rs.5,000/- for per Are irrigated land and Rs.1,250/- per Are 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). Appellants are entitled to receive rate of Rs.3,994/- per Are for dry land and escalation at the rate of 10% per annum. The payment of interest shall be governed by the decision of full bench in **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**. I, therefore, pass following order :

ORDER

- a. First Appeals are allowed partly.
- b. The appellants shall be entitled to receive rate of Rs.3,994/- per Are for Dry land.
- c. The appellants shall not be entitled to the interest and

statutory benefits for the delayed period.

d. The appellants shall be entitled to the interest under Section 28 and 34 of the Land Acquisition Act, 1894 as per full bench judgment of State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141].

e. Save and except above modification, the impugned judgment and award shall stand unaltered.

f. Record and Proceeding be sent back to the Reference Court.

g. The appellants shall pay deficit court fees.

h. Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

arp/-