

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

912 CIVIL APPLICATION NO. 1125 OF 2015
IN FA/29/2011

**BABUBHAI KONDAJI BAGWAN AND ORS
VERSUS
MIDC THROUGH THE REGIONAL OFFICER AND
ANOTHER**

...

Advocate for Applicants : Mr. Gundre Suraj V
Mr. SS Dande, Adv. For Respondent No.1.

**CORAM : R.M.BORDE &
 P.R.BORA, JJ.**

DATE : 30th January, 2015.

PER COURT :

1. The applicant is seeking withdrawal of amount in accordance with the order passed by the Supreme Court in Civil Appeal No.8057/2013, decided on 10.9.2013. This Court, while passing the order on the Civil Application tendered by the applicant in First Appeal No.29/2011, on 1.2.2011, permitted the applicant to withdraw 50% amount, out of the amount deposited by the appellant/ acquiring body in this Court. The applicant was permitted to withdraw 25% amount

out of the amount deposited by the acquired body in this Court on furnishing Bank guarantee whereas the balance 25% amount was permitted to be withdrawn unconditionally.

2. In view of the directions issued by the Supreme Court in the appeal referred to above, the applicant is permitted to withdraw 50% of the enhanced compensation granted to the appellant without security whereas the balance 50% is permitted to be withdrawn on furnishing security to the satisfaction of the Collector. In this view of the matter, the applicant shall be permitted to withdraw the balance 50% amount deposited in Fixed Deposit in accordance with the directions issued by this Court on 2.9.2011 on furnishing security to the satisfaction of the Collector. The Bank guarantee already furnished by the applicant while withdrawing 25% of the amount in accordance with the order passed by this Court stands discharged and shall be returned back.

3. The applicant shall be permitted to withdraw interest accrued on the amount deposited in Fixed Deposit in accordance with the directives issued by the Division Bench of this Court on 1.2.2011, on furnishing security to the satisfaction of the Registrar (Judicial) of this Court. With these directions, Civil Application stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/