

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.10698 OF 2014

Maharashtra State Electricity Distribution]
Company Limited.]
Through Superintending Engineer.] ... Petitioner

Versus

M/s. Neelsiddhi Developers and Anr.] ... Respondents

Mr. Nirav Shah i/b Little & Co. for Petitioner.
Mr. Sanjay Udeshi a/w Mr. Akshay Udeshi i/b M/s. Sanjay Udeshi &
Co. for Respondent No.1.

CORAM :- M. S. SONAK, J.

DATE :- JUNE 24, 2015

P. C. :-

1. Not on board. Upon production, taken on board.

2. Mr. Sanjay Udeshi, learned Counsel for Respondent No.1, states that in pursuance of the Consent Terms dated 31/03/2015, the Respondents have been permitted to withdraw from the Registry a sum of Rs.3,08,30,839/- (Rupees Three Crores Eight Lacs Thirty Thousand Eight Hundred Thirty Nine Only) along with interest that has accrued upon the said sum. Mr. Sanjay Udeshi however submits that upon a plain reading of clause 4 of the Consent Terms, from out of total amount of Rs.6,08,30,839/- (Rupees Six Crores Eight Lacs Thirty Thousand Eight Hundred Thirty Nine Only) deposited in the

Registry, the Petitioner was to withdraw the sum of Rs.3,00,00,000 (Rupees Three Crores Only) and the balance sum, together with interest accrued on the entire amount, was to be withdrawn by the Respondent No.1.

3. Mr. Nirav Shah, learned Counsel for Petitioner, submits that the Consent Terms are quite clear and it was indeed the intention of the parties at the time of signing/execution of the Consent Terms that Petitioner would withdraw sum of Rs.3,00,00,000/- (Rupees Three Crores Only) and the balance would be withdrawn by Respondent No.1.

4. In view of the aforesaid, it is only appropriate that the Respondent No.1 is permitted to withdraw the interest that may have accrued upon the entire sum. Mr. Sanjay Udeshi states that after the withdrawals already made, there is an amount of about Rs.7,56,582/- (Rupees Seven Lacs Fifty Six Thousand Five Hundred Eighty Two Only) in the Registry, which may have increased marginally by today. Accordingly, Registry is to permit withdrawal of the amount of Rs.7,56,582/- with further interest that may have accrued in the meanwhile.

5. This exercise may be completed within two weeks from today.

(M. S. SONAK, J.)