

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.1823 OF 2016 IN
FIRST APPEAL NO.160 OF 2011

Narharrao @ Narhari Govindrao
Bhoomkar, died through LRs

Applicants

Versus

The Vice Chancellor,
Marathwada Agricultural University,
Parbhani & another

Respondents

Mr.Pradeep Deshmukh, advocate holding for Mr.S.S.Manale, advocate for applicants.

Mr.M.N.Navandar, advocate for Respondent No.1.

Mr.S.S.Dande, A.G.P. for Respondent No.2.

CORAM : R.M.BORDE &

A.I.S.CHEEMA, JJ.

DATE : 12th February, 2016

PER COURT:

1 This is an application for modification of the order passed by this Court on 23.09.2011 in C.A. No.10665/2011, permitting the applicants to withdraw 50% of the amount deposited by the Respondent – acquiring body.

2 The applicants contend that they have been awarded compensation @ Rs.24/- per square feet by the Reference Court and amount receivable by them, under the award, is more than Rs.Four Crores. Applicants were permitted to withdraw 50% of the amount, out of the amount awarded by the Reference Court.

3 It is not a matter of dispute that in identical group of matters arising out of same Section 4 Notification and same award, the

Supreme Court in Civil Appeal Nos.4014-4017 of 2015, by order dated 24th April, 2015, permitted the claimants to withdraw whole of the amount arrived at under the award passed by Reference Court.

4 Applicants-claimants states that the Income Tax Department has saddled liability to the tune of Rs.72,02,644/- and together with interest, applicants are required to pay amount of more than Rs.83 lakhs.

5 Learned Counsel appearing for Respondent No.1 vehemently opposes the application and contends that the applicants cannot claim parity in view of several factors and that an identical request made by another claimant has been turned down by this Court.

6 In the instant matter, since applicants are required to deposit amount towards income tax liability, we deem it appropriate to direct concerned Respondents to deposit further sum of Rs.1,00,00,000/- (Rs.One Crore) in this Court within a period of four weeks from today and on deposit of the amount, applicants are permitted to withdraw the same on furnishing an undertaking to this Court to the effect that in the event of success of appeal, they shall redeposit the amount within a period of six weeks from the date of such decision.

7 With the directions as above, Civil Application stands disposed of.

A.I.S.CHEEMA
JUDGE

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R.M.BORDE
JUDGE