

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

CIVIL APPLICATION NO. 3721 OF 2016
IN FAST/30874/2015

LAXMAN SHAMRAO DESHPANDE
VERSUS
THE GMIDC THR THE EXE ENGINEER, LOWER DUDHANA
PROJECT, SELU AND ORS

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Mr. GB Kulkarni, Adv. For applicant;
Mr. AM Gaikwad, Adv. For Resp.No.1;
Mr. AM Phule, AGP for Resp.Nos. 2 & 3;

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CORAM : P.R. BORA, J.
Dated: August 02, 2016

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PER COURT :-

1) Shri Gaikwad, learned Counsel appearing for Respondent No.1/Corporation has brought to the notice of this court that in the connected appeals wherein Civil Applications for withdrawal of the amount were filed by the respective claimants therein, this Court has allowed the said original claimants to withdraw 50% of the amount on furnishing an undertaking; 25% on furnishing Bank guarantee and 25% amount is directed to invested in

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Fixed Deposit Receipts till decision of the appeals.

2) Shri Kulkarni, learned Counsel appearing for applicant/claimant has brought to my notice another order dated 9th March, 2016 passed in CA No. 3018/2016, wherein the claimants have been permitted to withdraw 75% of the total amount on submitting an undertaking and 25% of the amount is directed to be invested in Nationalized Bank.

3) After having considered the submissions so made and after having gone through the orders brought to my notice, which are placed on record, I deem it appropriate to pass following order, -

ORDER

i) The applicant is permitted to withdraw 50% of the amount deposited by the acquiring body in this court on submitting an undertaking that in the event any adverse order is passed against him in the appeal, he will re-deposit the amount within four months of passing such order;

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ii) Further the applicant is permitted to withdraw 25% of the deposited amount on furnishing bank guarantee of the like amount of any Nationalized or Scheduled Bank;

iii) Remaining 25% of the amount be invested in a Fixed Deposit Receipts in any Nationalized Bank, initially for a period of three years and to be renewed if so required till disposal of the appeal.

iv) The Civil Application for withdrawal of the amount is partly allowed and disposed of.

(P.R. BORA, J.)

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