

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

948 CIVIL APPLICATION NO. 393 OF 2016
IN FAST/36040/2015 WITH CA/11903/2016 IN
FAST/36040/2015

MIDC REGIONAL MANAGER, REGIONAL OFFICE, LATUR
VERSUS
ULHAS VASUDEO TOLE AND ANR

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Advocate for Applicant : Mr. GS Khaire, Adv. h/for.
Dande Shrirang S.
Mr. HV Tungar, Adv. h/for Mr. CR Deshpande, Adv. For
Resp.No.1;
Mr. SP Deshmukh, AGP for Respondents:2.

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CORAM : P.R. BORA, J.
Dated: November 25, 2016

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PER COURT :-

1) Heard. For the reasons stated in the application, which according to me are just and sufficient, delay of 162 days occurred in filing the present appeal is condoned. Appeal be registered in accordance with law. CA for condonation of delay disposed of.

. After registration of the appeal, issue notice to respondents. Learned Counsel and learned AGP waive service for respective respondents.

2) Heard on CA for withdrawal of the amount. Considering the averments raised in the application for withdrawal of amount and the objections raised

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by the acquiring body in the memo of appeal in exception to the Award, I deem it appropriate to pass the following order, -

ORDER

- i) The applicant is permitted to withdraw 25% 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/s, he will re-deposit the amount within four months of passing such order;
 - ii) 25% amount is permitted to be withdrawn by the applicant on furnishing Bank guarantee of the like amount of any Nationalized Bank or Scheduled Bank;
 - iii) 50% of the deposited amount be invested in a Fixed Deposit Receipts in any Nationalized Bank, initially for the 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 disposed of.
- 3) Place the matter for admission after eight weeks.

(P.R. BORA, J.)

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