

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 13799 OF 2016
IN FAST/30874/2015 WITH CA/13732/2015 IN FAST/30874/2015

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

...
Advocate for Applicants : Kulkarni Girish B
Advocate for Respondents : A. M. Gaikwad For R/1 G.p. For R/2
...

CORAM : P.R. BORA, J.
DATE : 15-10-2016.

P.C. :

1. Learned counsel appearing for the applicants submits that, though, this court has permitted the present applicant to withdraw 25% of the deposited amount on furnishing bank guarantee. The applicant is finding it very difficult to comply with the conditions for bank guarantee and, in the circumstances, he has prayed for either allowing the applicant to withdraw the said amount on furnishing an undertaking or in the alternative on submitting a solvent surety in the like amount.

2. Mr. Gaikwad, the learned counsel appearing for the acquiring body has submitted that, all these submissions were considered by this court while passing the earlier order. It, however, appears to me that, the submissions made by the applicant that, he is finding it difficult to furnish bank guarantee

cannot be outrightly rejected. I, therefore, deem it appropriate to relax the aforesaid condition and I permit the applicant to withdraw the said 25% of the deposited amount on furnishing solvent surety in the like amount to the satisfaction of Registrar (Judicial) of this court. Civil application stand disposed of.

3. In view of the fact that, appellant corporation was not party before the reference court. The application seeking leave to appeal is allowed. Civil application stands disposed of.

(P.R. BORA)
JUDGE

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