

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO.2986/2015
IN
FIRST APPEAL NO.177/2000 (D)

The Deputy Chief Executive Officer, Maharashtra Industrial Development
 Corporation, Bombay
 ..VS..
 M/s. Modern Pottery Industries, through Shri A.H. Hyderbhai s/o A. Subhanbhai and
 others

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri Abdul Subhan, Advocate for the applicant/respondent No.1.
 Shri M.K. Ramteke, Advocate h/f Shri M.M. Agnihotri, Advocate for
 the appellant.
 Shri M.A. Kadu, A.G.P. for respondent No.3.

CORAM : Z.A.HAQ, J.
DATED : 22.8.2016.

The application is filed by the respondent No.1,
 seeking permission to withdraw the amount.

Paragraph No.15 of the judgment passed in First
 Appeal No.177/2000 on 12th March, 2015 reads as follows:

“15. Hence, the following order :-

(i) It is held that the respondent no.1 is entitled for
 compensation at the rate of Rs.5.50/- per Sq. Ft. for
 2/3rd of the acquired land i.e. after deducting 1/3rd of
 the acquired land for development.

(ii) The respondent no.1 will be entitled for the
 statutory benefits on the amount of compensation.

(iii) The respondent no.1 has withdrawn the
 amount deposited by the appellant with the Registry of
 this Court. If it is found that the respondent no.1 is
 entitled for additional amount, the appellant shall pay

the additional amount along with interest at the rate of 12% per annum, the interest being chargeable from the date of the order passed by this Court on 19th March, 2001 till the amount is paid to the respondent no.1, as per the order passed by this Court on 19th March, 2001. If it is found that the respondent no.1 is not entitled for the amount withdrawn by him, then the respondent no.1 shall redeposit the amount withdrawn by him to the extent it is more than his entitlement with interest at the rate of 12% per annum as per the order passed by this Court on 19th March, 2001.

(iv) The order passed by the Reference Court is modified in the above terms.

(v) The appeal is partly allowed.

In the circumstances, the parties to bear their own costs.”

The application filed by the respondent No.1 does not refer to the directions recorded in above para. The Advocate for the respondent No.1 seeks permission to withdraw the application with liberty to take appropriate proceedings and file appropriate application, if required. The application is **disposed** with liberty as prayed for.

JUDGE

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 24.8.2016.