IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2295 OF 2017
IN FA/1302/2016

NAGORAO VITTHALRAO DESHPANDE
VERSUS
THE G.M.I.D.C. THR THE EXEUTIVE ENGINEER, NIMNA DUDHANA PROJECT, DIV. AT SELU AND OTHERS
...
WITH
CA/2767/2017 IN FA/1298/2016

NAGORAO VITTHALRAO DESHPANDE
VERSUS
THE G.M.I.D.C. THR THE EXEUTIVE ENGINEER, NIMNA DUDHANA PROJECT, DIV. AT SELU AND OTHERS
...
Advocate for Applicant : Mr U M Maske and K K Naik
AGP for Respondents: Mr G O Wattamwar
...
CORAM : V.K. JADHAV, J.
Dated: February 24, 2017
...

PER COURT :-

1) Shri Maske, learned Counsel appearing for applicant 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 be invested in Fixed Deposit Receipts till decision of the appeals.

2) Learned Counsel appearing for respondent-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;

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 Applications for withdrawal of the amount is partly allowed and disposed of.

(V.K. JADHAV, J.)

...

aaa/-