

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1336 OF 2017

IN

FIRST APPEAL NO. 3050 OF 2013

(Chandrakant Nagnath Birle Vs. Maharashtra Industrial
Development Corporation, through the Regional Officer,
Latur and another)

WITH

CIVIL APPLICATION NO. 1337 OF 2017

IN

FIRST APPEAL NO. 3048 OF 2013

(Suresh Nagnath Birle Vs. Maharashtra Industrial
Development Corporation, through the Regional Officer,
Latur and another)

WITH

CIVIL APPLICATION NO. 1338 OF 2017

IN

FIRST APPEAL NO. 3047 OF 2013

(Laxman Gyana Tigile Vs. Maharashtra Industrial
Development Corporation, through the Regional Officer,
Latur and another)

WITH

CIVIL APPLICATION NO. 1339 OF 2017

IN

FIRST APPEAL NO. 3043 OF 2013

(Nagnath Rama Yerne Vs. Maharashtra Industrial
Development Corporation, through the Regional Officer,
Latur and another)

AND

CIVIL APPLICATION NO. 1340 OF 2017

IN

FIRST APPEAL NO. 3049 OF 2013

(Ankush Nagnath Birle, since deceased through L.Rs.
Satyabhamabai and others Vs. Maharashtra Industrial
Development Corporation, through the Regional Officer,
Latur and another)

Mr. M.R. Wagh, Advocate for the applicants
in all Civil Applications

Mr. S.S. Dande, Advocate for respondent No. 1/M.I.D.C.

Mrs. R.P. Gaur, A.G.P. for the respondent/State

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : 10th MARCH, 2017

PER COURT :

Heard.

2. These applications are filed for permission to withdraw the bank guarantee furnished by the applicants and the amount of interest accrued on the fixed deposits, as directed by this Court vide order dated 30th April, 2014, passed in Civil Application No. 3411 of 2014 in First Appeal No. 2800 of 2013 and other companion civil applications.

3. This Court, vide the above referred order, had directed the claimants to furnish bank guarantee of a Nationalized Bank/Scheduled Bank to the satisfaction of the Registrar (Judicial) of this Court in respect of 50% amount (i.e. 25% of the amount of total compensation), which was allowed to be withdrawn.

4. The learned counsel for the applicants submits that in Civil Appeal Nos. 5361-5365 of 2015, filed against the order made by this Court, the Hon'ble the Apex Court, by order dated 10th July, 2015, directed to release 50% of the amount of compensation on furnishing security to the satisfaction of the Collector. Thus, the condition to furnish the bank guarantee, imposed by this Court is set aside by the Hon'ble the Apex Court.

5. In view of the order passed by the Hon'ble the Apex Court, referred to above, all the present civil applications are allowed. In respect of withdrawal of 50% of the amount of compensation, for which the bank guarantee was directed to be furnished by this Court, there would be no need to furnish the bank guarantee and the bank guarantee shall be returned to the applicants. In all these matters, the security as directed by the Hon'ble the Supreme Court, shall be furnished by the applicants to the satisfaction of the Collector. The applicants shall be permitted to withdraw the amount of interest accrued on the amount deposited in Fixed Deposits.

6. With the above directions, all the Civil Applications are allowed and disposed of.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

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