

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

Civil Application No. 02388 of 2017
(In First Appeal No. 02798 of 2013)

District : Latur

Baliram s/o. Gyna Kutwad
& another.

.. Applicants
(Original claimants)

versus

The Maharashtra Industrial
Development Corporation,
Through Regional Officer,
MIDC, Latur,
& another.

.. Non-applicants
(No.01 - Original
appellant
&
No.02 - Original
respondent)

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Mr. A.N. Irpatgire, Advocate, for applicants.

Mr. S.B. Bhosale, Advocate, for non-applicant no.01.

*Mr. S.B. Joshi, Asst. Government Pleader, for
non-applicant no.02.*

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**CORAM : R.M. BORDE &
K.L. WADANE, JJ.**

DATE : 28TH APRIL 2017

ORAL ORDER :

The applicants are seeking withdrawal of amount in accordance with the order passed by the Supreme Court in Petitions for Special Leave to Appeal (C) Nos. 26002-26008/2014 decided on 13.07.2015.

02. This Court, while passing the order on the Civil Application tendered by the applicants in First Appeal No. 2798 of 2013, on 07.03.2014, permitted the applicants to withdraw 50 % amount, out of the amount deposited by the appellant / acquiring body in this Court. The applicants were permitted to withdraw 25 % amount out of the amount deposited by the acquiring body in this Court on furnishing Bank guarantee whereas the balance 25 % amount was permitted to be withdrawn unconditionally.

03. In view of the directions issued by the Supreme Court in the appeal referred to above, the applicants are permitted to withdraw 50 % of the enhanced compensation granted to the appellant without security whereas the balance 50 % is permitted to be withdrawn on furnishing security to the satisfaction of the Collector. In this view of the matter, the applicants shall be permitted to withdraw the balance 50 % amount deposited in Fixed Deposit in accordance with the directions issued by this Court on 07.03.2014 on furnishing security to the satisfaction of the Collector. The bank guarantee already furnished by the applicants while withdrawing 25 % of the amount in accordance with the order passed by this Court stands discharged and shall be returned back.

04. The applicants shall be permitted to withdraw interest accrued on the amount deposited in

Fixed Deposit in accordance with the directives issued by the Division Bench of this Court on 07.03.2014 on furnishing security to the satisfaction of the Registrar (Judicial) of this Court.

05. With the above directions, the Civil Application is disposed of.

(K.L. Wadane)
JUDGE

(R.M. Borde)
JUDGE

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