

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

**CIVIL APPLICATION NO. 6975 OF 2016
IN FA/324/2014**

**LAXMAN VENKA SUDE, L.RS. BHANUDAS LAXMAN SUDE SINCE DIED
THR LR SHANTABAI AND OTHERS
VERSUS
MAHARASHTRA STATE INDUSTRIAL DEVELOPMENT
CORPORATION, LATUR AND ANOTHER.**

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Advocate for the Applicants : Shri Kulkarni Girish N. (Mardikar)
Add.GP for Respondent 2/ State : Smt.M.A.Deshpande.
Advocate for Respondent 1 : Shri S.B.Bhosale.
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**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 17th November, 2017

Per Court :

1 The Applicants are praying for leave to withdraw the remainder 50% of the enhanced compensation deposited in this Court. The First Appeal has been admitted by this Court.

2 The learned Advocate for the Applicants submits that from the same acquisition proceedings, in Civil Application No.8380/2014 and Civil Application No.8381/2014 in First Appeal No.2564/2014 and First Appeal No.2563/2014, respectively, the orders have been passed by this Court permitting the said applicants to withdraw half of the compensation

amount without security and the remainder amount on furnishing the security to the satisfaction of the District Collector, Latur. It is informed that the District Collector is insisting for a bank guarantee for that amount which is to be released on furnishing security.

3 The learned Advocate for the Applicants, therefore, submits that the Applicants are agreeable to the bank guarantee.

4 The learned Advocate for the Non Applicants has opposed the application.

5 We are informed that the total compensation of Rs.4.88 crore was deposited in this Court by the Acquiring Body. The Applicants have withdrawn Rs.2.44 crore. Rs.1.22 crore was withdrawn on an undertaking and Rs.1.22 crore was withdrawn on furnishing a bank guarantee.

6 As such, this Civil Application is allowed. The Applicants are permitted to withdraw the remainder amount of Rs.2.44 crore along with accrued interest on the following conditions:-

- (a) Half of the above amount inclusive of interest shall be withdrawn by the Applicants by tendering an affidavit-cum-undertaking that if they fail in the First Appeal and any amount is required to be redeposited in this Court, they will do so within a period of four weeks from the date of the order and if they deposit the amount after four weeks, the said amount will carry interest at the rate of 3% per annum from

the date of withdrawal of the amount.

- (b) Along with the affidavit-cum-undertaking, the Applicants shall furnish recent photographs as well as self attested copies of the current address proofs, Adhaar Card or the Voter's Identity Card issued by the Election Commission of India.
- (c) The affidavit-cum-undertaking shall be made through the learned Advocate, who shall personally identify each of the Applicants.
- (d) The remainder half amount inclusive of interest shall be withdrawn by the Applicants, by furnishing a bank guarantee, by producing the same identity proof as directed above.