

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

CIVIL APPLICATION NO. 9927 OF 2016
IN FA/2803/2013

KRISHNABAI RAMVILAS AGRAWAL THR HER POWER OF ATTORNEY
HOLDER VEERMATI RAMVILAS AGRAWAL.

VERSUS

MAHARASHTRA STATE INDUSTRIAL DEVELOPMENT CORPORATION,
LATUR AND ANOTHER.

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Advocate for the Applicant : Shri Kulkarni Girish N. (Mardikar)

AGP for Respondent 2/ State : Shri Y.G.Gujrathi.

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 Applicant is 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 Applicant, therefore, submits that the Applicant is 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.2,51,73,402/- was deposited in this Court by the Acquiring Body. The Applicant has withdrawn Rs.1,25,86,701/-. Rs.62,93,350.50 was withdrawn on an undertaking and Rs.62,93,350.50 was withdrawn on furnishing a bank guarantee.

6 As such, this Civil Application is allowed. The Applicant is permitted to withdraw the remainder amount of Rs.1,25,86,701/- along with accrued interest on the following conditions:-

- (a) Half of the above amount inclusive of interest shall be withdrawn by the Applicant by tendering an affidavit-cum-undertaking that if she fails in the First Appeal and any amount is required to be redeposited in this Court, she will do so within a period of four weeks from the date of the order and if she deposits 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 Applicant shall furnish recent photograph as well as self attested copies of the current address proof, 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 the Applicant.
- (d) The remainder half amount inclusive of interest shall be withdrawn by the Applicant, by furnishing a bank guarantee, by producing the same identity proof as directed above.