

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

967 CIVIL APPLICATION NO. 6971 OF 2016
IN FA/1041/2014

PUNDLIK SANGRAMAPPA GOBE
VERSUS
MAHARASHTRA STATE INDUSTRIAL DEVELOPMENT CORPORATION, LATUR
AND ANR

...
Advocate for Applicant : Mr. Kulkarni Girish N. (Mardikar)
Mr. SB Bhosle, Adv. For Resp.No.1;
Mr. SB Joshi, AGP for Respondent - 2

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

DATE : 7th MARCH, 2017.

PER COURT:

1) The Civil application is filed for granting permission to withdraw the amount of the interest which must have accrued on the amount of compensation, which was deposited by the acquiring body in First Appeal No. 1041/2014. Both the sides are heard.

2) Learned Counsel for the applicant submits that by order dated 10.10.2014, this Court had allowed the applicant – original claimant to withdraw 100% amount on some conditions. A copy of the order made by this Court in CA No. 4589/2015 in CA No.

10008/2014 in FA No.1041/2014 is produced and it was submitted that one condition was modified and the applicant/ original claimant was allowed to give bank guarantee in place of solvent surety.

. The learned Counsel further submits that by complying the condition, he has withdrawn 100% amount as ordered by this Court. He submits that but the interest, which must have accrued on the said amount, is not released to him and that amount needs to be released in favour of the original claimant.

3) As this Court had allowed the original claimant to withdraw the entire amount, it can be said that this Court wanted to release the entire amount including the interest in favour of the original claimant.

4) The counsel for the acquiring body is present.

5) The amount of interest, which must have accrued on the compensation amount deposited by the acquiring body, is also to be released subject to condition that the applicant – original claimant

furnishes bank guarantee to the extent of 75% of the amount of interest and the remaining 25% amount of interest to be given on submitting an undertaking.

6) The civil application is allowed and disposed of in the above terms.

(SANGITRAO S.PATIL)
JUDGE

(T.V.NALAWADE)
JUDGE

bdv/