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

**CIVIL APPLICATION NO. 10211 OF 2017
IN
ARBITRATION APPEAL NO.18 OF 2010**

M/s Agrawal & Hawale,
Govt Contractor
Thr. its Partners ..APPLICANTS

VERSUS

The Executive Director,
Godawari Marathwada Irrigation
Development Corporation,
Aurangabad ..RESPONDENT

Mr R. R. Chandak, Advocate for applicants;
Mr B. R. Surwase, Advocate for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 29th SEPTEMBER, 2017

ORAL ORDER :

Respective Counsel were heard for
sometime. Of the amount deposited by the
appellants, pursuant to the arbitration award, in
my opinion, case for withdrawal of amount to the
extent of 50%, viz. Rs.20,00,000/- (Twenty Lakhs
only) is made out. However, the said withdrawal in

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favour of claimants-respondents will be subject to following conditions:-

(a) They shall execute an undertaking before this Court to keep the appellants indemnified, in case any third party claim is made against the appellant.

(b) If required, they shall file fresh indemnity bond within a period of two weeks from today.

(c) They shall furnish before learned Registrar (Judl.) the solvent surety for the amount 1.5 times, that of the amount to be permitted to be withdrawn. Such solvency be furnished from four weeks from today. It is only upon the satisfaction of the Registrar (Judl.), the applicants are permitted to withdraw the amount as ordered.

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2. Civil Application stands disposed of in
above terms.

(NITIN W. SAMBRE, J.)

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