

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

CIVIL APPLICATION NO.12567 OF 2017 IN
CIVIL APPLICATION NO.14 OF 2017 IN
FIRST APPEAL ST. NO.8565 OF 2016

Nagnath s/o Nama Maske ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Shri V.D. Gunale, Advocate for applicant
Mrs. M.A. Deshpande, A.G.P. for State
Shri S.S. Dande, Advocate for respondent No.2
.....

CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 6th October, 2017.

ORAL ORDER:

1. By this Civil Application, the applicant seeks permission to withdraw 50% of the amount deposited by the acquiring body on furnishing Bank guarantee of any Scheduled Bank or Multi-state Co-operative Bank instead of a Nationalised Bank or furnishing solvent security as ordered by this Court vide order dated 7.4.2017 in Civil Application No.15/2017 and other companion matters.

2. It is not in dispute that the applicant has been allowed by the said order dated 7.4.2017 to withdraw 75% of the amount deposited by the acquiring body on various terms and conditions. 25% of the amount has been already withdrawn on furnishing an undertaking. The applicant could not withdraw the balance 50% amount and could not comply with the condition of furnishing solvent security in respect of the 25% amount and Bank guarantee in respect of the remaining 25% amount.

3. The applicant prays for substitution of the solvent security and Bank guarantee of a Nationalised Bank by Bank guarantee of a Scheduled Bank or Multi-state Co-operative Bank.

4. Mr. Dande, learned counsel for the acquiring body has no objection if the applicant is permitted to withdraw the balance 50% amount upon furnishing Bank guarantee of any Scheduled Bank. Statement is accepted.

5. Civil Application No.12567/2017 is accordingly made absolute in terms of prayer clause (B). It is, however, made clear that, the balance 50% amount would be allowed to be withdrawn in favour of the applicant on furnishing Bank guarantee of a Scheduled Bank and not Multi-state Co-operative Bank. The learned Registrar (Judicial) is directed to permit the

applicant to withdraw the remaining 50% amount on furnishing Bank guarantee of a Scheduled Bank. If the 25% amount directed to be invested by the said order dated 7/4/2017 is not invested, the same shall be invested by the learned Registrar (Judicial) expeditiously.

6. Civil Application is disposed of in aforesaid terms. No order as to costs.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/