

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

Civil Application No. 02413 of 2017
(In First Appeal No. 02102 of 2013)

District : Latur

Baburao s/o. Narayan Sabde .. Applicant
(Original claimant)

versus

The Maharashtra Industrial .. Non-applicants
Development Corporation, (No.01 - Original
Through Regional Officer, appellant
M.I.D.C., Latur, &
& another. No.02 - Original
respondent)

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Mr. A.N. Irpatgire, Advocate, for applicant.

Mr. S.B. Bhosale, Advocate, for non-applicant no.01.

*Mr. V.M. Kagne, Asst. Government Pleader, for
non-applicant no.02.*

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**CORAM : R.M. BORDE &
K.L. WADANE, JJ.**

DATE : 28TH APRIL 2017

ORAL ORDER :

The applicant is seeking withdrawal of amount in accordance with the order passed by the Supreme Court in Petition for Special Leave to Appeal (C) No. 23598/2014 decided on 11.09.2015.

02. This Court, while passing the order on the Civil Application tendered by the applicant in First Appeal No. 2102 of 2013, on 18.01.2014, permitted the applicant to withdraw 50 % amount, out of the amount deposited by the appellant / acquiring body in this Court. The applicant was permitted to withdraw 25 % amount out of the amount deposited by the acquiring body in this Court on furnishing Bank guarantee whereas the balance 25 % amount was permitted to be withdrawn unconditionally.

03. In view of the directions issued by the Supreme Court in the appeal referred to above, the applicant is permitted to withdraw 50 % of the enhanced compensation granted to the appellant without security whereas the balance 50 % is permitted to be withdrawn on furnishing security to the satisfaction of the Collector. In this view of the matter, the applicant shall be permitted to withdraw the balance 50 % amount deposited in Fixed Deposit in accordance with the directions issued by this Court on 18.01.2014 on furnishing security to the satisfaction of the Collector. The bank guarantee already furnished by the applicant while withdrawing 25 % of the amount in accordance with the order passed by this Court stands discharged and shall be returned back.

04. The applicant shall be permitted to withdraw interest accrued on the amount deposited in Fixed Deposit in accordance with the directives issued by

the Division Bench of this Court on 18.01.2014 on
furnishing security to the satisfaction of the
Registrar (Judicial) of this Court.

05. With the above directions, the Civil
Application is disposed of.

(K.L. Wadane)
JUDGE

(R.M. Borde)
JUDGE

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