

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

**948. CIVIL APPLICATION NO. 2886 OF 2018
IN FAST/193/2016 WITH CA/3858/2016 IN
FAST/193/2016 WITH CA/3859/2016 IN FAST/193/2016**

*DAGADU BHAVRAO BANGAL
VERSUS
THE EXECUTIVE ENGINEER, N.M.C.DIVISION, VAIJAPUR UNDER
THE GMIDC, AURANGABAD AND OTHERS*

**WITH
949. CIVIL APPLICATION NO. 2951 OF 2018
IN FA/202/2018**

*BHIVSAN JANARDHAN SHINDE AND ANR
VERSUS
THE EXECUTIVE ENGINEER, N.M.C.DIVISION, VAIJAPUR UNDER
THE GMIDC, AURANGABAD AND OTHERS*

**WITH
950. CIVIL APPLICATION NO. 2952 OF 2018
IN FA/192/2018**

*BHASKAR DADA SHINDE
VERSUS
THE EXECUTIVE ENGINEER, N.M.C.DIVISION, VAIJAPUR UNDER
THE GMIDC, AURANGABAD AND OTHERS*

**WITH
951. CIVIL APPLICATION NO. 2954 OF 2018
IN FA/201/2018**

*BHIKA TOTARAM KUMAWAT
VERSUS
THE EXECUTIVE ENGINEER, N.M.C.DIVISION, VAIJAPUR UNDER
THE GMIDC, AURANGABAD AND OTHERS*

WITH
969. CIVIL APPLICATION NO. 5664 OF 2018
IN FA/197/2018

SHESHRAO RADHAJI SHINDE
VERSUS
THE EXECUTIVE ENGINEER, N.M.C.DIVISION, VAIJAPUR UNDER
THE GMIDC, AURANGABAD AND OTHERS

Mr Abhishek M. Hajare, Advocate for applicants in all petitions.
Mr V.R. Sonwalkar, Advocate for respondent No.1 in all petitions
Mr Shashibhushan P. Deshmukh, Asstt. Govt. Pleader for
respondents No.2 & 3 in all petitions.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27th April 2018

ORDER :

Learned Counsel appearing for parties point out that all these five applications are left out matter from the group of Civil Application bearing No. 8485 of 2017 in First Appeal (Stamp) No. 21613 of 2014 and companion applications, wherein vide order dated 30th June 2017, this Court has allowed applicants therein to withdraw 75% of the deposited amount on submitting an undertaking that in the event any adverse order is passed against them, they will re-deposit the said amount within four weeks of passing such order; and balance 25% amount has been directed to be invested in fixed deposit in a nationalized bank, initially for a period of two years and if so required for further period till disposal of the appeal.

2. There is no dispute that present application pertains to withdrawal of compensation amount deposited by acquiring body in this Court in respect of the land acquired under the same notification for same project and is from the same village and it is covered under same award and is from the same tract of land as are concerned in civil applications referred to earlier.

3. It, thus, would be expedient that these applications may also be given same treatment as had been received by Civil Application No. 8485 of 2017 in First Appeal (Stamp) No. 21613 of 2014 and companion applications.

4. In the circumstances, applicants are allowed to withdraw 75% of the deposited amount alongwith accrued interest thereon on condition of furnishing undertaking that in the event any adverse order is passed against them, they will re-deposit the said amount within four weeks of passing such order.

5. Balance 25% amount be invested in fixed deposit receipt in a nationalized bank, initially for a period of two years and, if so required, for further period till disposal of the appeal.

6. Civil Applications are, accordingly, disposed of in above terms.

**(SUNIL P. DESHMUKH)
JUDGE.**