

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

**CIVIL APPLICATION NO. 4684 OF 2018
IN
FIRST APPEAL NO. 3382 OF 2016**

Hema Gopinath Deshpande
and another .. Applicants

Versus

GMIDC Through the Executive
Engineer, Lift Irrigation Division,
Osmanabad and others .. Respondents

**WITH
CIVIL APPLICATION NO. 4688 OF 2018
IN
FIRST APPEAL NO. 3385 OF 2016**

Medha Sangam Bailoor
and another .. Applicants

Versus

GMIDC Through the Executive
Engineer, Lift Irrigation Division,
Osmanabad and others .. Respondents

Shri R. R. Mantri, Advocate for Applicants in both.
Mrs. Kalpalata Patil Bharaswadkar, Advocate for the
Respondent No. 1 in both.
Shri P. G. Borade, A.G.P. for Respondent Nos. 2 and 3 in both.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATE : 13TH APRIL, 2018.**

FINAL ORDER :

. The acquiring body has filed appeal against the judgment and award passed by the Reference Court enhancing the compensation amount awarded by the Special Land Acquisition Officer.

2. In this appeal, this Court had directed the acquiring body to deposit the amount as per the judgment and award passed by the Reference Court. The said amount is deposited. The applicants have filed present application for withdrawal of the amount.

3. Mr. Mantri, the learned advocate for applicants submits that, the Reference Court has awarded the compensation amount at the rate of Rs. 15,000/- per R for jirayat land and Rs. 30,000/- per R for bagayat land. The compensation is awarded on lower side. The present applicants have also filed appeal against the said judgment and award. The appeal filed by the applicants is admitted. The sale instances were in respect of land for higher amount. The lands are situated within the municipal limits of the city. The Reference Court relied upon the judgment delivered in other references in respect of the same project.

4. Mrs. Bharaswadkar, the learned advocate for the acquiring body submits that, exorbitant compensation amount has been

awarded by the Reference Court. The S. L. A. O. awarded compensation at the rate of Rs. 700/- to Rs. 1,000/- per R. The same is enhanced to Rs. 15,000/- and Rs. 30,000/- per R. The sale instance at Exhibit 26 is discarded, still higher amount of compensation is awarded.

5. It will be in nobody's interest to keep the amount idle. At the same time the interest of the acquiring body also will have to be safe guarded. All the contentions of respective parties will have to be considered at the time of final disposal of the appeal.

6. Considering enhancement granted, we pass following order.

O R D E R

i) The applicants are allowed to withdraw 25% of the amount deposited by the acquiring body on submitting an undertaking to this Court that, in the event the appeal is allowed and this Court directs the applicants to deposit the amount, the applicants would deposit the same within a period of one month.

ii) The applicants are further allowed to withdraw 25% of the amount deposited on furnishing solvent security/surety of the like amount.

iii) The applicants are further allowed to withdraw 25% of the

amount deposited on submitting bank guarantee of any nationalized/scheduled bank.

iv) The remaining 25% of the amount deposited shall be kept in fixed deposit of any nationalized bank.

v) In Civil Application No. 4684 of 2018 the cheques of the amount shall be issued in the name of all applicants/claimants, however, the cheque may be handed over to the son.

vi) In Civil Application No. 4688 of 2018, the cheques may be issued equally in the names of applicants individually.

vii) The civil applications are disposed of.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18