

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

902 FIRST APPEAL NO. 4491 OF 2016

THE G.M.I.D.C. THR. THE EXECUTIVE ENGINEER, MAJALGAON
CANAL DIVISION NO.10, PARBHANI
VERSUS
ARVIND VITHALRAO SHINDE AND ORS.

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Advocate for Appellant : Mr.Gaikwad Anil M.
AGP for Respondents/State : Mr.B.V.Virde
Advocate for Respondent No.1 : Mr.V.D.Bhise Patil

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CORAM : M.S.SONAK, J.
DATE : 8th FEBRUARY, 2018

PER COURT:-

1) Mr.A.M.Gaikwad learned counsel for the appellant on the basis of written instructions dated 7.2.2018, which are taken on record and marked 'X' for the purpose of identification, seeks leave to withdraw this appeal, since, the enhancement granted in this case is well within the limits prescribed in the Government Resolution dated 3.11.2016 as amended from time to time.

2) Leave is granted and this appeal is disposed of as withdrawn.

3) The appellant shall be entitled to refund of Court fees in accordance with Rules. Further, the decision of this Court dated 1.10.2014 in Writ Petition No.4919 of 2014 be also taken into consideration while deciding the issue of refund of Court fees.

4) Since, the appeal is disposed of as withdrawn, the balance deposited amount can be withdrawn by the respondent/claimant unconditionally.

[M.S.SONAK, J.]