

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

916 CIVIL APPLICATION NO. 9904 OF 2018
IN FAST/5508/2016

SAKHARAM HARIBHAU ANPAT

VERSUS

G.M.I.D.C. THR ITS THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, JALNA AND O

...
Advocate for Applicant : Mr. Kalpana P. Mutatkar
Adv. for Respondent No.1: Mr. P.S. Shinde.

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CORAM : V.L. ACHLIYA,J.

DATED : 7th August , 2018.

Order :-

1. The applicant has moved this application for withdrawal of Rs. 6,09,175/-, deposited by the respondent No.1 i.e. appellant/acquiring body.
2. Heard learned counsel for the applicant and counsel representing the appellant/acquiring body. Perused the award passed by the Reference Court.
2. As against the compensation awarded @ Rs. 590 per R, by the SLAO, the Reference Court has enhanced the compensation to the tune of Rs. 1500 per R. Being aggrieved, the acquiring body has challenged the award.
3. The learned counsel for the appellant submits that the appellant has a good case to succeed in the appeal and urged to reject the application.

4. On due consideration of the submissions advanced, in the light of overall facts of the case, the difference between the compensation awarded by the SLAO and Reference Court, I am of the view that applicants be permitted to withdraw amount to the extent of 60% of the amount deposited, on the following conditions :-

[a] Subject to outcome of the appeal, the applicant No.1 is permitted to withdraw 60% of the amount awarded, on furnishing written undertaking to the satisfaction of Registrar (Judicial) of this court to the effect that in the event, the appeal is allowed or award passed by the Tribunal is modified and they are required to deposit/refund the amount, they shall deposit the same within 12 weeks from the date of such order. On furnishing such undertaking the amount be transferred in the savings bank account of the applicant.

[c] Application stands disposed of in above terms.

[V.L. ACHLIYA]
JUDGE

grt.