

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 8822 OF 2018
IN FA/4292/2016 WITH FA/1637/2013 WITH X-OBJST/19542/2013 IN
FA/1637/2013 WITH FA/1475/2015

ULHAS VASUDEV TOLE

VERSUS

MIDC REGIONAL MANAGER, REGIONAL OFFICE, LATUR AND ANR

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Advocate for Applicant : Shri Deshpande C.R.

Advocate for respondent no.1 : Shri S. S. Dande

Shri A.M. Phule, AGP for the State.

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CORAM: V.L. ACHLIYA, J.

DATE: 13.07.2018

PER COURT :

1] The applicant has taken out this application seeking permission to withdraw the amount in two equal installments on furnishing proportionate bank guarantee.

2] Heard learned counsel for the applicant and respondents. Perused the order dated 8.9.2017 passed by this Court (Shri K.K. Sonawane, J.) in Civil Application No.4339/2017 in First Appeal No.4292/2016.

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3] By the order dated 8.9.2017, the applicant is allowed to withdraw 50% of amount of compensation deposited by acquiring body without security and the remaining 50% on furnishing bank guarantee to the satisfaction of Registrar (Judicial). It is submitted that the applicant is unable to furnish the bank guarantee to the extent of Rs.94,46,626/- togetherwith accrued interest, which is allowed to be withdrawn in terms of order dated 8.9.2017. He has arranged the bank guarantee of Rs.50,00,000/-. He, therefore, seeks permission to withdraw the said amount in two installments by furnishing proportionate bank guarantee to the extent of each of the installment withdrawn.

4] Considering the difficulty faced by the applicant to furnish the bank guarantee in respect of entire amount, the application is allowed in terms of prayer clause (B). The applicant is permitted to withdraw the amount in terms of order dated 8.9.2017 in two installments by furnishing proportionate bank guarantee to the extent of amount withdrawn. The bank guarantee to be furnished must be of a Nationalized bank and to the satisfaction of the Registrar (Judicial). The bank guarantee to be

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furnished to remain in force till disposal of the appeal and further orders to be passed in the appeal.

5] Civil application is disposed of in aforesaid terms.

(V.L. ACHLIYA, J.)