

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

Civil Application No.9783 of 2018

In

First Appeal No.416 of 1998

Abdul Alim Abdul Aziz Patel
Since deceased through his
legal representatives.

.. Applicants.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. Shrikant Patil, Advocate, holding for Shri. Mahesh
Patil, Advocate, for applicants .

Shri. S.J. Salgare, Assistant Government Pleader, for
respondent No.1.

Shri. Dhananjay Deshpande, Advocate, for respondent
No.2.

With

Civil Application No.9958 of 2016

In

First Appeal No.416 of 1998

Maharashtra State Electricity Board
now Maharashtra State Electricity
Distribution Co. Ltd.
Through its Executive Engineer
Civil, Latur.

.. Applicants.

Versus

Abdul Alim Abdul Aziz Patel
Since deceased, through his
legal representatives.

.. Respondents.

Shri. Dhananjay Deshpande, Advocate, for applicant.

Shri. Shrikant Patil, Advocate, holding for Shri. Mahesh
Patil, Advocate, for respondent Nos.1A to 1H.

Shri. S.J. Salgare, Assistant Government Pleader, for
respondent No.2.

Coram: T.V. NALAWADE, J.

Date: 31 JULY 2018

ORDER:

1) Notice is given in the first proceeding. It is waived by learned counsel for the acquiring body and also the Assistant Government Pleader. In second proceeding notice is waived by original respondents of the first appeal.

2) Today learned counsel for the acquiring body produced on record a communication dated 11-4-2018 showing that the acquiring body does not want to challenge the decision given by the Reference Court on 15-7-2017.

3) The submissions made and the record show that after remand of the matter by this Court, the Reference Court has given decision and the acquiring body does not want to challenge the said decision. In the matter this Court had allowed the original claimants of the Reference Petition to withdraw 50% amount and for that they were asked to give surety and bank guarantee. In view of the intention of the acquiring body expressed in the communication that it does not want to file any proceeding against the new decision of the Reference Court there is no need to keep the surety and the bank guarantee. Both stand discharged.

4) Civil Application No.9958/2016 is filed for the acquiring body to give direction to the Registry to refund the amount which was lying with this Court as the decision of the Reference Court was set aside and the matter was remanded back to the Reference Court. In view of the aforesaid circumstances and as the new decision is accepted by the acquiring body the amount which is lying in this Court needs to be sent to the Reference Court in L.A.R. No.282/1995.

5) So, the Registry is directed to send the amount with interest if any to the Reference Court in LAR No.282/1995. In those terms both the civil application are allowed and disposed of.

Sd/-
(T.V. NALAWADE, J.)

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