

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

**939 CIVIL APPLICATION NO.13441 OF 2018
IN FA/1367/2010**

**BABURAO GOVINDRAO GAIKWAD
VERSUS
M.I.D.C. THR REGIONAL MANAGER, LATUR AND ANR**

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Advocate for Applicant : Shri S.V. Gundre;
Advocate for Respondent No.1 : Shri S.S. Dande;
AGP for Respondent No.2 – State : Shri R.B. Bagul.

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CORAM : P.R. BORA, J.
Dated: October 31, 2018

PER COURT :

1. By filing the present application, the applicant is seeking withdrawal of the amount of interest allegedly accrued upon the amounts of compensation deposited in the fixed deposits by this Court.

2. Vide order passed on 11.06.2010 the Division Bench of this Court (**Coram : Naresh H. Patil & K.K. Tated, JJ.**) has granted stay to the Judgment and Award passed by the Reference Court on 05.05.2009 subject to deposit 50% of the amount under the Award by the Acquiring Body in this Court. It is the contention of the applicant that, accordingly the said

amount was deposited by the Acquiring Body and the same was invested by this Court in the Fixed Deposit Receipt. It is the further contention of the applicant that, in view of the orders passed by the Hon'ble Apex Court in Civil Appeal Nos.7070-7071 of 2015 on 11.09.2015, they have withdrawn the said deposited amount on furnishing surety to the satisfaction of the Collector. It is the further contention of the applicant that, while withdrawing the said amount, the amount of interest accrued thereon has not been withdrawn by the applicant and the same is still lying with this Court. By filing the present application, the applicant has now sought withdrawal of the said amount on similar conditions i.e. by furnishing security in the like amount to the satisfaction of the Collector.

3. Shri Dande the learned Counsel appearing for the Acquiring Body has submitted for passing appropriate orders.

4. In view of the order passed by the Hon'ble Apex Court and after having considered the submissions made by the parties, the following order is passed.

ORDER

(i) The applicant is permitted to withdraw the amount of interest, if any, accrued on the amounts of compensation deposited by the Maharashtra Industrial Development Corporation (MIDC), Latur in this Court in pursuance of the order passed by this Court on 11.06.2010 in Civil Application No.907 of 2010 with Civil Application No.909 of 2010, on furnishing security to the satisfaction of the Collector, Latur.

(ii) Civil Application stands disposed of.

(P.R. BORA, J.)

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