

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

**WRIT PETITION NO. 9887 OF 2010
M/S NAMDHARI ENGINEERING CONSTRUCTION COMPANY THROUGH ITS
SOLE PROPRIETOR
VERSUS
THE UNION OF INDIA AND ORS**

Mr.J.N. Singh, Advocate for the petitioner.
Mr.S.B. Deshpande, ASG for respondent/Union of India.
Mr.M.P. Pokale, Advocate for respondent No.4.

**CORAM : S.S.SHINDE &
S.M.GAVHANE, JJ.
DATED : 26.03.2018**

P.C. :-

1. This petition is filed with following prayers :-
 "[b] The Hon'ble Court may be pleased to hold and declare that the actions of respondent Nos.2 to 4 in withholding F.D.R. amount of the petitioner with interest which is matured on 02.08.2010 is illegal, unconstitutional and offending the legal as well as constitutional rights of the petitioner.

 [c] By issuing writ of mandamus or any appropriate writ or direction in the nature of writ of mandamus, the Hon'ble Court may be pleased to direct the respondents, especially respondent Nos.2 to 4 to release the F.D.R. amount with interest bearing F.D.R.No. KD/01/001319 for Rs.31,962/- in the interest of justice."
2. At the outset, learned Counsel appearing for respondent/bank, on instructions of Mr.P. Srinath Reddy s/o. Mr. P. Ananth Reddy, who is working as Branch Manager of respondent No.4 – Canara Bank, Subhash Road Branch, Beed that respondent No.4/Bank is ready to release/give approx

Rs.42,000/- (Approx. Rupees Forty Two Thousand) as against the Fixed Deposit Receipt No. KD/01/001319 dated 05.09.2008 (page No.30 of the petition).

3. Learned Counsel for the petitioner has some grievance about rate of interest. Learned Counsel for the petitioner on instructions makes statement that the petitioner will visit the concerned Branch in between 02.04.2018 and 10.04.2018 for collecting the aforesaid amount.

4. In that view of the matter, if the petitioner is not satisfied with the rate of interest applied in his case while calculating aforesaid amount, in that case it may be open for the petitioner to avail of an appropriate remedy as available in law for his such grievance.

5. With the above observations, the writ petition stands disposed of.

6. Parties to act upon authenticated copy of this order.

[S.M.GAVHANE, J.]

[S.S.SHINDE, J.]