

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 426 OF 2017

IN

FIRST APPEAL NO. 82 OF 2002

MAHADEV CHANDRA GAUNKAR AND 4
ORS.,

... Applicants

Versus

GOA INDUSTRIAL DEVELOPMENT
CORPORATION REP. HEREIN BY ITS
MANAGER AND ANR.,

... Respondents

Adv. R. G. Ramani for the Applicants.
Adv. Hanumant D. Naik for Respondent no.1

Coram:- C. V. BHADANG, J.

Date:- 1st March 2018

P.C.:

This is an application for withdrawal of the amount deposited by the respondent Goa Industrial Development Corporation before this Court as a condition for grant of stay. The F.A.No.82/2002 filed by the respondent has been dismissed on 22/11/2013 and thus the award passed by the Reference Court has attained finality. In such circumstances, the applicants will be entitled to receive the amount deposited before this Court along with interest, if any.

2. Shri Naik, the learned counsel for the respondent has disputed

the computation of the compensation as submitted on behalf of the applicant. The contention is that the applicant shall not be entitled to 15% interest once the amount is deposited before this Court.

3. It is not necessary to go into this aspect as this Court is not granting the prayer clause (c) where under the applicants have sought a direction to the respondents to deposit the balance amount, if any as on 22/11/2013. It is evident that for recovery of any such amount, if there be any, the applicant will have to approach the Executing Court.

4. In the circumstances the application is allowed in terms of prayer clause (a) and (b).

C. V. BHADANG, J.

ap/-