

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4251 OF 2015
IN
FIRST APPEAL NO. 13 OF 2012**

Balu Bapurao Nawale ... Applicant
V/s.
Maharashtra Industrial
Development Corporation & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 33 OF 2016
IN
FIRST APPEAL NO. 09 OF 2012**

Balu Bapurao Nawale ... Applicant
V/s.
Maharashtra Industrial
Development Corporation & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 77 OF 2016
IN
FIRST APPEAL NO. 08 OF 2012**

Shamrao Bapurao Nawale ... Applicant
V/s.
Maharashtra Industrial
Development Corporation & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 78 OF 2016
IN
FIRST APPEAL NO. 11 OF 2012**

Kantilal Bapurao Nawale ... Applicant
V/s.
Maharashtra Industrial
Development Corporation & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 79 OF 2016
IN
FIRST APPEAL NO. 12 OF 2012**

Kantilal Bapurao Nawale	...	Applicant
V/s.		
Maharashtra Industrial Development Corporation & Ors.	...	Respondents

**WITH
CIVIL APPLICATION NO. 3668 OF 2015
IN
FIRST APPEAL NO. 10 OF 2012**

Prakash Bapurao Nawale	...	Applicant
V/s.		
Maharashtra Industrial Development Corporation & Ors.	...	Respondents

- Mr.Raghavendra B. Kulkarni i/b. Mr.Ganesh Bhujbal for the Applicants.
- Mr.G.S. Hegde a/w. Mr.C.M. Lokesh, Ms.J. Pandey i/b. A.R. Bhole & Co. for the Respondent-MIDC.
- Ms.Tanaya Goswami, AGP for Respondent Nos.2 and 3-State.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 24th OCTOBER, 2018.

P.C. :

1] All the above Civil Application(s) are filed by the Applicants-Claimants for withdrawal of the amount of compensation deposited by Respondent No.1/Appellant in the Reference Court.

2] It is submitted by learned counsel for the Applicants-Claimants that, in the similar such First Appeals in which the Civil Applications were filed in this Court for withdrawal of the compensation amount, vide order dated 23/09/2011, permitted the Applicants-Claimants to withdraw the compensation amount along with interest on furnishing Bank guarantee of a Nationalized Bank or a Scheduled Bank for that amount. He tendered the copy of the order dated 23/09/2011 passed by this Court in Civil Application No.4007 of 2011 in First Appeal No.1170 of 2009 and other connected matters.

3] In view thereof, all these present Civil Applications are also allowed by passing the similar order as follows:

“(a) All the Applicants in the aforesaid Civil Applications are allowed to withdraw the amount along with interest deposited by Respondent No.1/Appellant on furnishing Bank guarantee of a Nationalized Bank or a Scheduled Bank for that amount and they shall renew the Bank Guarantee, from time to time, during the pendency of the Appeals in this Court and for a period of three months after the disposal of the First Appeals.

(b) In the event, Respondent No.1/Appellant succeeds in the aforesaid First Appeal, the

Applicants shall return the amounts, which they have withdrawn in pursuance of this order along with interest at the rate prevailing on the date of disposal of the First Appeal, or as may be ordered by this Court to the Respondent No.1/Appellant.

(c) Before withdrawal of the amount, the Applicants shall file undertaking in the Reference Court in terms of Clause (a) and (b) of this order.”

4] All aforesaid Civil Applications are disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]