

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 646 OF 2011

M/s. Futura Polysters Limited ...Appellant

Versus

The State of Maharashtra
Through Executive Engineer,
Raigad Irrigation Division- II ...Respondent

.....

Mr.Pravin Samdani, Senior Advocate a/w. Ms. Neha Dhuru I/b. Mulla
& Mulla & CBC for the Appellant.

Mr. A.R.Patil, AGP for the State/ Respondent.

Mr. S.P. Gaikwad, (Sectional Engineer is present in Court)

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **APRIL 24, 2018**

P.C.:

1. The learned AGP for the Respondent produces a copy of the letter dated 11th August, 2017 written by the Assistant Engineer Class-1, Pat Bandhare Division, Karjat to the Office of Public Prosecutor, High Court, Mumbai.

2. The learned AGP for the Respondent submits that he has been instructed by Mr. S.P.Gaikwad, Sectional Engineer to make a

statement that the State of Maharashtra has no claim in respect of the water charges for the period 1st August, 1990 to 31st July, 2002. An amount of Rs. 2,56,29,392/- towards water charges is deposited by the appellant in the Court.

3. The learned Senior Counsel for the Appellant submits that as the State of Maharashtra has no claim of the water charges of the disputed period i.e., 1st August, 1990 to 31st July, 2002, he, on instructions, wants to withdraw the Second Appeal and seeks permission for the same.

4. The learned AGP for the Respondent/State submits that the Respondent be allowed to withdraw the said amount deposited by the Appellant.

5. In view of the above submissions, the Respondent/ State of Maharashtra is allowed to withdraw an amount of Rs. 2,56,29,392/- along with interest accrued thereon.

6. The learned Senior Counsel for the Appellant is allowed to withdraw the Second Appeal.

7. The Second Appeal is disposed of as withdrawn.

8. The Appellant is entitled to refund of the Court Fees, if any, as per the rules.

(MRIDULA BHATKAR, J.)