

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

CIVIL APPLICATION NO.8419 OF 2019
IN ARBAST/3704/2019
WITH
CIVIL APPLICATION NO.8420 OF 2019
IN ARBAST/3704/2019

M/S S.D. SHINDE AND COMPANY THROUGH IT S PARTNER, ARUN
SHRIPATI SHINDE
VERSUS
GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION, AURANGABAD AND ANOTHER.

...
Advocate for the Applicant : Shri Ashutosh S. Kulkarni
Advocate for Respondent 1/ Appellant : Shri Ruturaj C. Patil
...

WITH
CIVIL APPLICATION NO.2939 OF 2019
IN ARBAST/3704/2019

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION, AURANGABAD.
VERSUS
M/S S.D.SHINDE AND SONS AND ANOTHER

...
Advocate for the Applicant / Appellant : Shri Ruturaj C. Patil
Advocate for Respondent 1 : Shri Ashutosh S. Kulkarni
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th December, 2019

Per Court:

1 Insofar as Civil Application No.8420/2019 is concerned, the

applicant/ claimant submits that the original appellant has not deposited Rs.378516/-, which amounts to a shortfall in depositing the amount in this Court.

2 The learned advocate for the respondent/ appellant submits that appropriate orders may be passed.

3 Since a paltry amount of Rs.378516/- has not been deposited, this Civil Application No.8420/2019 is allowed. The respondent/ appellant shall deposit this amount in this Court within six weeks from today.

4 Insofar as Civil Application No.8419/2019 is concerned, the claimant seeks withdrawal of amount out of the deposited amount lying in this Court viz. Rs.6787648/-. The record reveals that earlier the claimant was paid Rs.32 lakhs by the appellant. It also reveals that the claimant has withdrawn Rs.50 lakhs out of the deposited amount and the amount of Rs.6787648/- is now lying with this Court.

5 The learned advocate for the appellant submits that the claimant is not entitled for this amount and if such payment is made, it would be very difficult to recover the said amount.

6 I find that the appellant has initially made an undisputed payment of Rs.32 lakhs to the claimant and the Appellate Court has earlier allowed the claimant to withdraw Rs.50 lakhs.

7 In view of the above, I find that this Civil Application No.

8419/2019 ought not to be entertained. The same is, therefore, rejected.

8 Insofar as Civil Application No.2939/2019 filed by the original appellant is concerned, for the reasons set out in the application, the same is allowed. Delay of 08 days is condoned and the Arbitration Appeal filed by the appellant shall be registered, only if all office objections are removed within six weeks from today. After registration, the Arbitration Appeal shall be listed for urgent admissions on 20.01.2020. The learned advocate waives service on behalf of the original claimant in the Arbitration Appeal.

kps

(RAVINDRA V. GHUGE, J.)