

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 APPEAL FROM ORDER NO.79 OF 2018

RAJENDRA UTTAMCHAND KATARIYA
VERSUS
THE NATIONAL HIGHWAY AUTHORITY OF INDIA AND ANOTHER

...
Advocate for Petitioners : Shri Patil Vijay B.
Advocate for Respondents : Shri Manorkar Deepak S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 01, 2019

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PER COURT :-

1. I have heard the learned Advocates for the respective sides.
2. Since the appeal has been lodged in 2013 and is pending before the learned Principal District Judge, Dhule for almost six years, I find it appropriate to dispose off this appeal without going into the issues, as to whether this appeal is maintainable or not.
3. An order passed by this Court (Coram : P.R.Bora, J.), dated 21.11.2016 is cited by the appellant to submit that this Court has permitted withdrawal of 40% amount on an undertaking and the rest of the amount on furnishing solvent security / surety or bank guarantee.
4. Considering the above, this appeal is disposed off. The impugned order dated 8.8.2018 is maintained and the appellant is permitted to

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tender / execute an indemnity bond for Rs. 4,00,000/- and withdraw the said amount by furnishing a surety in the like amount. The litigating sides would conclude their final arguments in CMA No.175 of 2013 on/or before 28.2.2019. Liberty to enter written notes of submissions is granted. The learned Principal District Judge shall decide the said matter by delivering the judgment on/or before 30.3.2019. It is made clear that the said Court shall consider the law as regards grant of enhancement in view of the allegation that astronomical amounts have been granted by the Arbitrator while passing the arbitration award.

5. Needless to state, the learned Principal District Judge would consider specific group of cases, arising out of specific acquisition matters with regard to particular parcels of land acquired.

(RAVINDRA V. GHUGE, J.)

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