

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CIVIL APPLICATION NO.14695 OF 2018**

IN

FA/2537/2018 WITH CA/11600/2018

IN FA/2537/2018

REDDY CONSTRUCTIONS

THR ITS PROPRIETOR, LATUR

..APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA

AND OTHERS

..RESPONDENTS

...

Advocate for Applicant : Mr. S.S. Rathi

AGP for Respondent Nos. 1 to 5: Mr. S. N. Morampalle

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**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL,JJ****DATE : 20th FEBRUARUY, 2019.****PER COURT :-**

The application is filed by the respondent-contractor for permission to withdraw the decretal amount which is deposited by the Appellant State. During the course of the argument, the learned counsel for the respondent-contractor submitted that the amount of more than rupees 17 crore i.e. Rs. 17,00,71,649/- deposited is not entire amount of the decree but it is part of the decree and it can be said that it is principal amount. This point is kept open. This Court has gone through the reply filed by the appellant-State and there is grievance of the appellant that the work more than Rupees 79.15 lakh is not executed by the Contractor. The submissions made show that final bill was prepared. Learned counsel for the contractor today submitted that even completion certificate was issued in favour of the contractor. In view of

this circumstances and nature of the grievance of the appellant this Court holds that some amount can be withheld to ascertain the rights of the employer i.e. present appellant and remaining amount can be allowed to be withdrawn by the Contractor. In the result, the application is partly allowed. Out of the amount deposited in the Court for getting ad-interim stay, the amount of Rs. Two crores is to be kept with the Court which is to be kept in Fixed Deposit as per the procedure in the Nationalized Bank and remaining amount is to be disbursed to the Contractor-Applicant after taking undertaking from the contractor. Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALWADE)
JUDGE

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