

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.417/2019
IN
WRIT PETITION NO.12913/2018

The Secretary to Government,
PWD, Mantralaya, Mumbai

... Applicant

V/s.

Ashok Infrastructure Pvt. Ltd.

... Respondent

Mr. A. B. Vaghyani, Government Pleader I/b. Ms. S. D. Vyas, "B"
Panel Counsel for the Applicant

Mr. Ram Apte, Senior Advocate a/w. A. A. Garge for the
Respondent.

CORAM: K.K. TATED, J.

DATED : MARCH 4, 2019

P.C. :

1 Heard. By this Civil Application, the Applicant Government is seeking extension of time to comply with order dated 25.10.2018 passed by this court (Coram : R. D. Dhanuka, J.) in Writ Petition (ST) No.21520/2018.

2 The learned Government Pleader has filed an affidavit-cum undertaking dated 02.03.2019 duly affirmed by Mr. Chandrashekhar Prabhakar Joshi, Secretary (Roads), P.W.D., Government of Maharashtra, Mantralaya, Mumbai stating that they are ready and willing to deposit a sum of Rs.25 crores in the executing court on or before 05.03.2019 and remaining amount on or before 30.04.2019. Said undertaking is taken on record.

3 The learned senior counsel for the Respondent submits that the executing court may be directed to allow them to withdraw the amount as and when deposited by the State of Maharashtra, by furnishing bank guarantee as per order dated 25.10.2018.

4 Considering the submissions made by the learned Government Pleader and perusal of the Civil Application, following order is passed:

- a. The Applicant State of Maharashtra is permitted to deposit sum of Rs.25 crores in the executing court at Pune on or before 05.03.2019.
- b. Remaining amount of Rs.25 crores shall be deposited on or before 30.04.2019.
- c. The Respondent is permitted to withdraw the said amount from executing court by furnishing bank guarantee, as per order dated 25.10.2018.
- d. Civil application stands disposed off accordingly.
- e. Interim protection granted by order dated 25.10.2018 to continue.
- f. Parties to act on an authenticated copy of this order.

(K. K. TATED, J.