

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3092 OF 2019
IN
FIRST APPEAL NO. 263 OF 2016**

Changdeo Pundalik Shinde ..Applicant

In the matter between

The State of Maharashtra
(Through SLAO Nashik) ..Appellant

v/s.

Changdeo Pundalik Shinde ..Respondent

Mr. Sarthak S. Diwan for the Appellant/Applicant.
Ms. Anamika Malhotra AGP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 11th SEPTEMBER, 2019.**

P.C.

1. The applicant herein has sought withdrawal of compensation deposited by the respondent pursuant to the judgment and award dated 5.3.2012 passed by the Reference Court in LAR No. 29 of 2004
2. The Land Acquisition Officer had awarded compensation of Rs.5,29,538/- towards trees and other agricultural crop, Rs.21224/-

towards structures and Rs.83,500/- per hectare in respect of the land. The Reference Court after considering the evidence on record has enhanced the compensation to Rs.22,02,820/- in respect of tress and crops and the structure and Rs.3,99,000/- per hectare in respect of the acquired land.

3. Having gone through the impugned judgment and award and having considered the reasons stated in the application as well as the grounds raised in the appeal memo, the applicant is permitted to withdraw 30% of the compensation along with appropriate interest accrued thereon, on furnishing undertaking before the Reference Court that he shall refund the said amount with interest in the event the State succeeds in the appeal. The applicant is also permitted to withdraw 20% of compensation along with appropriate interest on furnishing bank guarantee to the equivalent amount. Suffice it to say that withdrawal is subject to the final outcome of the appeal.

4. Application stands disposed of accordingly.

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(ANUJA PRABHUDESSAI, J.)