

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

**CIVIL APPLICATION NO. 1447 OF 2018
IN
FIRST APPEAL NO. 1442 OF 2016
ALONG WITH
CIVIL APPLICATION NO. 1448 OF 2018
IN
FIRST APPEAL NO. 1697 OF 2016**

Konark Infrastructure Ltd. ... Applicant

In the matter between :-

The State of Maharashtra & Anr. ... Appellants

V/s.

Konark Infrastructure Ltd. ... Respondent

- Mr.Anish Khandekar for the Applicant.
- Mr.Madhav Jamdar, Special Counsel a/w. Mr.A.R. Patil for the Appellant-State.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th JANUARY, 2019.

P.C. :

1] Heard learned counsel for the Applicant/original Respondent and learned counsel for the Appellant-State.

2] These two applications are filed by the Applicant/Original Respondent for withdrawal of the decretal amount deposited in the Court in two suits.

3] It is submitted that the Applicant is ready to give the bank guarantee with an undertaking that the bank guarantee will remain in force and amount will be returned, if the decision of the Appeal(s) goes against the Applicant.

4] Learned counsel for the Appellant points out that the decree(s) are only in respect of the amount of interest and the principal amount of Rs.10,89,00,000/- and Rs.2,30,00,000/- respectively, are already paid to the Applicant. The amount deposited in the Court is already invested in Nationalized Bank and therefore, it is secured.

5] In view thereof, as the liability of payment of interest amount is disputed by the Appellant, at this stage, it would not be appropriate to permit the Applicant to withdraw the said amount. Moreover, as the Appeal(s) are already admitted and the paper-book is also filed, it would be appropriate to direct that the Appeal(s) be placed for final hearing. Therefore, Registry to place these Appeal(s) for "Final Hearing", if otherwise they are ready.

6] In view thereof, both the Civil Application(s) stand dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]