

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**23 CIVIL APPLICATION NO.6691 OF 2020
IN FA/469/2016**

**BHAGWAN RAJARAM PATIL DECEASED LEGAL HEIRS SINDHU
SHRIRAM PATIL AND OTHERS
VERSUS
MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
THR ITS AREA MANAGER, JALGAON ANDORS**

Mr. More Kumar Gaurav M., Advocate for the applicant
Mr. P. M. Kulkarni, AGP for the respondent/State
Mr. Shrirang S. Dande, Advocate for respondent No. 1

CORAM : V. L. ACHLIYA, J.

DATE : 14-12-2020

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. The applicant has moved this application seeking withdrawal of amount.

2. Heard learned counsel for the applicant and respondents.

3. As per the report dated 11-12-2020 amount of Rs. 21,95,755/- has been deposited and together with interest the amount of Rs. 30,19,345/- is available for disbursement.

3. In brief, it is the contention of the learned counsel for the applicants that the compensation assessed by the reference

court is excessive and not supported with evidence. The Special Land Acquisition Officer has awarded the compensation at the rate of Rs. 15,000 to 21,000 per Hector which has been enhanced to Rs. 1,20,000/- per Acre and for potkharab same has been awarded at the rate of Rs. 60,000/- per Hectare by reference court. Learned counsel for the applicant submits that the appellant has good case to succeed in the appeal. In case, award is set aside or modified it will be difficult to recover the amount.

4. Learned counsel for the claimant supports the award passed by the reference court and submits that the appeal filed is devoid of merits. It is further submitted that the land has been acquired for industrial purpose. There is evidence to support the enhancement.

5. On due consideration of the submissions advanced, following order is passed:-

ORDER

- i. The applicants/claimants are permitted to withdraw the amount to the extent of 70% of the amount deposited on furnishing undertaking to the satisfaction of the Registrar (Judicial) that in the event the award is set aside, or modified the applicant shall re-deposit the amount within eight weeks from the date of passing of such order.

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ii. Payment of amount shall be subject to final outcome of appeal.

iii. After making payment to the extent of 70% amount deposited, the balance amount shall be invested in fixed deposit in any nationalized bank till disposal of appeal, if not already invested.

iv. The application is disposed of in above terms.

6. It is made clear that no further application seeking withdrawal of amount shall be entertained.

[V. L. ACHLIYA, J.]

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