

**IN THE HIGH COURT OF BOMBAY AT GOA**

**MISC.CIVIL APPLICATION NO. 763 OF 2019**

**IN**

**FIRST APPEAL NO. 117 OF 2017**

COMMUNDIDAE OF LOUTOLIM,  
THR. ITS SPECIAL ATTORNEY,  
FRANKY MONTEIRO.,

... Applicant

Versus

THE SPECIAL LAND ACQ. OFFICER,  
GOA INDUSTRIAL DEVELOPMENT  
CORPORATION, REP. BY ITS MAN.  
DIRECTOR.,

... Respondent

Shri Nigel Da Costa Frias, Advocate for the applicant.

Shri Hanumant D. Naik, Advocate for the respondent.

**Coram:- DAMA SESHADRI NAIDU &  
NUTAN D. SARDESSAI, JJ.**

**Date:- 12th March 2020**

P.C.

This is an appeal by the Goa Industrial Development Corporation (GIDC). It acquired the respondent Comunidade's land. Initially, there was an award. Dissatisfied, the Comunidade went to the Reference Court, which enhanced the compensation from Rs.10/- to Rs.20/- per square metre. Then, the GIDC appealed. This Court set aside the entire award and remanded the matter to the Reference Court. On remand, the Reference Court passed the impugned judgment, enhancing the compensation from Rs.10/- to Rs.107/- per square metre. Once again, the GIDC has come before this Court in this First Appeal.

2. Now, the respondent Comunidade has applied for withdrawing the entire amount the GIDC deposited in this First Appeal. As a matter of record, the GIDC has deposited 50% of the awarded amount.

3. Nevertheless, the Comunidade, now, restricts its claim of withdrawal to 25% of the amount deposited. The learned Standing Counsel for the GIDC, however, persistently pleads that once the Comunidade withdraws the money, GIDC will have no means of recovering that amount if the award gets reduced by this Court.

4. We reckon whatever would be the outcome of this First Appeal, there is justification in Comunidade's plea that they be allowed to withdraw the 25% of the amount—25% of 50% of the award. It comes to an insignificant portion of the awarded amount. Yet the learned Standing Counsel insists that the Comunidade should provide security before it withdraws the money.

6. Given the portion of the award the Comunidade wants to withdraw, we see no need, much less justification, for any condition such as bank guarantee or a third-party security.

7. Under these circumstances, we allow the application. The applicant may withdraw 25% of the amount GIDC deposited with this Court without providing any security.

8. The Registry will prepare the paper book and post the matter for final hearing in four weeks.

**NUTAN D. SARDESSAI, J.      DAMA SESHADRI NAIDU, J.**

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