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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Interim Application No. 3238 of 2020
(Interim Application No. 1 of 2020)
In
First Appeal (St.) No. 16826 of 2019

Late Vitthal G. Patil (since deceased,
represented through L.R.) & Ors. ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Hemant Ghadigaonkar, for the Applicants.

Mr. Y. M. Nakhwa, AGP for the Respondent - State.

CORAM : C. V. BHADANG, J.

DATE : NOVEMBER 23, 2020
(Through Video Conference)

PC :

1. This application is filed by the applicants for withdrawal of the amount of compensation, deposited by the State, towards the acquisition of the land, which is acquired for the purpose of New Bombay Project.

2. In the present case, the SLAO had granted compensation @ Rs.8.64, which was enhanced to Rs. 850/- per sq. meter by the reference court.

3. The learned counsel for the applicants has brought to the notice of this Court an order dated 3rd January, 2020 passed by this Court in *Interim Application No. 2 of 2019 in First Appeal (St.) No.*

25071 of 2019 in the case of – The State of Maharashtra Vs. Gajanan Trimbak Patil. Although it was fairly submitted that the said appeal does not arise out of the notification under S. 4 of the Land Acquisition Act, out of which the present appeal arises, the submission is that the said appeal also arose out of the acquisition of lands for the New Bombay Project. It is submitted that in the said case, the SLAO had granted compensation @ Rs. 4.66 and 4.92 per Sq. meter, which was enhanced by the reference court to Rs. 600/- per sq. meter. It is submitted that in the said appeal, by order dated 3rd January, 2020, this Court had allowed withdrawal of 50% of the compensation on furnishing an undertaking.

4. Mr. Nakhwa, the Additional Government Pleader has left the matter to the discretion of this Court and submitted that this Court may pass appropriate orders. His only submission is that the amount allowed to be withdrawn may be secured by a bank guarantee.

5. Having considered the overall circumstances, the following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The applicants / claimants are permitted to withdraw 50% of the amount deposited by the State on proper identification as under:
 - (a) 25% of the compensation deposited by the State shall

be allowed to be withdrawn subject to the applicants furnishing a bank guarantee of any nationalised bank to the satisfaction of the reference court, which bank guarantee shall be kept alive during pendency of the appeal;

- (b) The remaining 25% of the amount shall be permitted to be withdrawn by the applicants on their furnishing an undertaking to bring back the said amount, if so ordered by this Court, alongwith reasonable interest, as may be directed.
- (iii) The balance amount shall continue to stay invested in any nationalised bank.
- (iv) The interim application is disposed of in the aforesaid terms.
- (v) All concerned to act on an authenticated copy of this order.

Vinayak
P.
Halemath

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signed by
Vinayak P.
Halemath
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Sd/-
C. V. BHADANG, J.