

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9046 OF 2021 IN
FIRST APPEAL (ST.) NO.10132 OF 2020

M/s Tapdiya Construction Ltd.

... APPLICANT

VERSUS

City and Industrial Development
Corporation (CIDCO) & anr.

... RESPONDENTS

.....
Mr. U.P. Darak, Advocate for applicant
Mr. A.S. Bajaj, Advocate for respondent No.1.
Mr. P.N. Kutti, A.G.P. for respondent No.2.
.....

CORAM : R. G. AVACHAT, J.

DATE : 20th September, 2021

PER COURT :

Heard learned counsel for the parties. The applicant is relying on the order passed by the Division Bench in Civil Application No.5958/2020, permitting the claimants therein to withdraw the entire amount under the award impugned therein.

2. Learned counsel for the acquiring body submits that, the interest has been awarded in breach of the judgment of the Full Bench of this Court in case of **State of Maharashtra**

Vs. Kailash Shiva Rangari [2016 (3) Mh.L.J. 457]. Moreover, the applicant herein has received T.D.R. as consideration. The same was not the case in the matter before the division Bench.

3. In the fitness of things, the applicant is permitted to withdraw 50% of the amount under the award. 25% of the amount be paid on furnishing undertaking and 25% on furnishing solvent surety/ security. Civil Application is disposed of.

(R. G. AVACHAT)
JUDGE

fmp/-