

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

**CIVIL APPLICATION NO. 10789 OF 2021
IN
FIRST APPEAL NO. 2591 OF 2013**

Pradeep Gunvantrao Deshmukh ..APPLICANT

VERSUS

The Executive Engineer,
Lift Irrigation Division, Osmanabad
and Others ..RESPONDENTS

**AND
CIVIL APPLICATION NO. 10790 OF 2021
IN
FIRST APPEAL NO. 2592 OF 2013**

Pandurang Kalyan Deshmukh ..APPLICANT

VERSUS

The Executive Engineer,
Lift Irrigation Division, Osmanabad
and Others ..RESPONDENTS

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Mr. V.R. Dhorde, Advocate for applicants
Mr. S.P. Sonpawale, Advocate for respondent no.1
Mr. A.B. Chate, A.G.P. for respondent nos. 2 and 3

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**CORAM : R.G. AVACHAT, J.
DATED : 07th OCTOBER, 2021**

PER COURT :

1. Heard. Perused the impugned award.
2. According to learned counsel for the acquiring body, the reference Court ought to have granted compensation considering the land to be

agricultural. It has however, granted compensation considering it's N.A. potential. As such, the appellant has very good case to succeed. He, therefore, opposed for grant of withdrawal.

3. Only 50% of the amount under the impugned award has been deposited in this Court. In the fitness of things, the amount deposited in this Court be paid to the applicants alongwith interest accrued thereon, on submitting usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Civil applications stand disposed of accordingly.

(R.G. AVACHAT, J.)

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