

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

CIVIL APPLICATION NO. 11088 OF 2021 IN FA/3262/2018

BHAUSHETH GANPAT BHOT

VERSUS

THE EXECUTIVE ENGINEER URDHVA PRAVARA CANAL DIVISION, SANGAMNER
AND ANOTHER

...

Advocate for Applicant : Vinod Y. Bhide

Advocate for Respondent No. 1 : Mr. S.C.Arora

AGP for Respondent No. 2 : Mr. A.M.Phule

...

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 26-10-2021

PER COURT :

01. It is an application filed by the applicant seeking permission to withdraw the amount in view of the modified award dated 12.12.2019.

02. Heard Mr. Vinod Y. Bhide learned Advocate for the applicant. Learned Advocate Mr. S.C. Arora for the acquiring body / respondent No. 1 and Mr. A.M.Phule, learned A.G.P. for respondent No. 2 / State.

03. It is an undisputed position that First Appeal No. 3262/2018 came to be partly allowed in view of judgment and decree dated 25.10.2018. Accordingly, calculations have been made by the respondents to pay the amount of compensation to the applicant under the Land Acquisition Act, 1894 from the date of award.

04. The applicant has given chart in the application on page No. 4 regarding dates and calculations of interest etc. As per the modified award now the applicant is entitled to get Rs. 21,09,971/- with accrued interest thereon. Mr. Arora, learned Advocate for acquiring body, Mr. Phule, learned A.G.P. for the State do not dispute above factual scenario. It is decided appeal and they have no objection to permit the applicant to withdraw the amount as per the modified award. In view of the above, I proceed to pass the following order;

ORDER

I) The application is hereby allowed in terms of prayer clause (B).

II) The acquiring body Executive Engineer, Urdhwa Pravara, Sangamner is entitled to get refund of amount of Rs. 2,42,472/- with accrued interest thereon.

III) The Registrar (Judicial) to make payment accordingly. Civil Application stands disposed of.

[SHRIKANT D. KULKARNI]

JUDGE

Dahibhate/-