

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11647 OF 2021

IN

FIRST APPEAL NO. 3589 OF 2019

1. Murlidhar Narhari Nande
Since deceased through L.Rs.
1-A. Kaushalya Murlidhar Nande and another ... Applicants

Versus

The State of Maharashtra and others ... Respondents

....

Mr. N. R. Thorat, Advocate h/f Mr. R. K. Shingnapure, Advocate for applicants

Mr. S. N. Morampalle, AGP for respondent No.1

Mr. H. P. Kshirsagar, Advocate for respondent No.3

....

CORAM : R. G. AVACHAT, J.

DATED : 25th OCTOBER, 2021

PER COURT :-

. Heard.

2. This Court, vide order dated 01.10.2021, in Civil Application No.3528 of 2021, observed that the enhancement is not more than four times of the amount offered by the Special Land Acquisition Officer. It has also been observed that interest was rightly awarded in terms of Full Bench judgment of this Court in the case of *State of Maharashtra v. Kailash Shiva Rangari – AIR 2016 BOMBAY 141*.

3. While reading the order being relied upon for withdrawal of the amount deposited in present appeal, it is realised that the interest has been awarded in breach of Full Bench judgment of this Court. The applicants therein are therefore directed not to withdraw the amount until further orders.

4. Heard. Perused the impugned award.

5. It appears that the interest has been awarded in breach of Full Bench judgment of this Court.

6. In the fitness of things, the applicants are permitted to withdraw 75% of the amount in deposit with this Court on furnishing undertaking that in case the appeal is allowed and they are directed to pay back the amount, the same will be paid back along with interest @ 5% p.a. to the Acquiring Body from the date of receipt of the amount to the date of repayment thereof.

7. The civil application stands disposed of.

[R. G. AVACHAT, J.]