

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION NO. 158 OF 2021
IN
FIRST APPEAL NO. 110 OF 2019

Shantanand V. S. Kantak

.Petitioner

Versus

Dy. Collector And Sub Divisional Officer, LAC,
Quepem And Anr.

...Respondents

Mr. Hanumant D. Naik, Advocate for the Petitioner.

Ms. Amira Razaq, Government Advocate for the Respondents.

**CORAM: M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date: 6th September, 2021

P.C.

1. Heard Mr. Hanumant D. Naik, learned Counsel for the petitioner and Ms. Amira Razaq, learned Government Advocate for the Respondent State.

2. The complaint in this application is that there is a short deposit by about ₹24lakhs considered that this Court, in its order dated 20.08.2019 has stayed the execution of the impugned award subject to the State depositing the entire amount together with interest, costs, etc., in this Court.

3. If, according to the applicant herein, there is a short deposit, then, liberty is granted to the applicant to proceed with the execution of the impugned award dated 28.08.2018. The Executing Court to determine whether there is really any short deposit as alleged by the applicant and, if there is short deposit, then, the Executing Court can proceed with the actual execution. If there is no short deposit, then, obviously, the Executing Court will not proceed with the execution having regard to our order dated 20.08.2019.

4. Ms. Razaq, learned Counsel for the State submits that even the State will verify whether there is any short deposit or not and if there is really any short deposit, the, the State will deposit this amount before this Court. For the present, however, she files a chart on record to demonstrate that there is no short deposit. The issue as to whether there is any short deposit or not will have to be decided by the Executing Court.

5. With liberty as aforesaid, this application is disposed of.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.