

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2067 OF 2021  
IN  
INTERIM APPLICATION NO. 441 OF 2021**

Mr. Ashok Kumar Bhasin and Ors. ... Applicants  
*Versus*  
M/s. Eisha Goyal Agarwal Developers ... Respondent

**WITH  
INTERIM APPLICATION (ST.) NO. 3467 OF 2021  
WITH  
INTERIM APPLICATION NO. 441 OF 2021  
IN  
FIRST APPEAL NO. 140 OF 2021**

M/s. Eisha Goyal Agarwal Developers ... Applicant  
*Versus*  
Mr. Ashok Kumar Bhasin and Ors. ... Respondents

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Mr. R. V. Uttarwar a/w Mr. Shrikant Patil, Mr. Arjun Pawar and Ms. Pooja Thakur for the Applicant in IA/2067/2021 and Respondent Nos. 1 to 4 in the F.A.

Mr. Karl Tamboly a/w Mr. Anuj Desai i/by Mr. Pankaj Das for the Respondents in IA/2067/21 and Applicants in IAST/3467/21 and IA/441/21.

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**CORAM: R. D. DHANUKA AND  
ABHAY AHUJA, JJ.**

**DATE : 11<sup>th</sup> OCTOBER, 2021.**

**P.C. :-**

. The applicants seeks withdrawal of amount of Rs.2,78,31,833/- deposited by the appellant in view of the order dated 9<sup>th</sup> April, 2021 which was extended and finally deposited in view of the order dated

29<sup>th</sup> June, 2021.

2. First Appeal filed by the original appellant is still pending. In view of the pendency of these proceedings, the learned counsel for the applicant on instruction at this stage, pressed for liberty to withdraw the interest on the said amount deposited by the original appellant.

3. We are informed that the said amount deposited by the appellant pursuant to the final order dated 29<sup>th</sup> June, 2021 is not invested by the Registry of this Court. The Registry of this Court is accordingly directed to invest the said amount initially for a period of one year and for like period depending upon the pendency of the First Appeal in the Fixed Deposit of the Nationalized Bank. The Registry of this Court is directed to permit the Authorized Representative of the applicant to withdraw the amount of interest whose name would be informed to the Registry by the learned counsel for the applicant within one week from today along with the Authority Letter. The authority may be granted in favour of the learned Advocate on record of the applicant. It is made clear that upon withdrawal of the interest as permitted, the Authorized Representative or the learned Advocate of the applicant as the case may be shall remit the said amount within one week from the date of withdrawal of the said amount without fail to the applicant.

4. It is also made clear that the amount of interest which is allowed to be withdrawn shall be subject to the further orders that would be passed by the learned Single Judge in the First Appeal.

5. It is made clear that this order is passed by consent of the learned counsel for the original appellant.

6. Interim Application is disposed of in aforesaid terms. There shall be no order as to costs.

7. Parties to act on the authenticated copy of this order.

**[ABHAY AHUJA, J.]**

**[R. D. DHANUKA, J.]**