

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAF] No.733 of 2021
in
First Appeal No.1146 of 2013 (D)

Maharashtra Industrial Development Corporation
vs.
Tukaram Shivram Jagtap & others

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri R.J. Shinde, Advocate for the Applicant-Respondent No.1-C
Shri Sharad Thakre, Advocate h/f Shri M.M. Agnihotri, Advocate
for the Appellant.
Ms. Hemlata Jaipurkar, A.G.P. for the State/Respondent No.2

CORAM : S.M. MODAK, J.

DATE : 6th APRIL, 2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard learned Counsel Shri R.J. Shinde for the applicant-respondent No.1-C, learned Counsel Shri Sharad Thakre appearing for the appellant and learned A.G.P. Ms. Hemlata Jaipurkar for respondent No.2.

Perused the order, dated 07/12/2020. The appellant has already deposited an amount of Rs.42,40,811/- . This was as per the rate fixed by the Reference Court.

Out of this amount, respondent Nos.1-A to 1-E were permitted to withdraw 75% of the amount. Now the appeal is disposed of and this Court has

reduced the rate to Rs.3,00,000/- per hectare. In view of this, entitlement is recalculated by the appellant and informed to the Court vide Pursis Stamp No.9/2021. As per the said pursis, the claimants are entitled to receive only an amount of Rs.36,50,710/-, which is acceptable to them. Out of this, they have already withdrawn 75% of the amount of compensation. So, they are entitled to get only remaining amount, and balance amount has to be returned to the appellant-MIDC. Therefore, the amount has to be transferred in the bank account of respondent No.1-C - Madan Tukaram Jagtap, the Power of Attorney holder. Hence,

- i.** It is made clear that the respondents-claimants are entitled to get Rs.36,50,710/-.
- ii.** The Office is directed to transfer the balance amount from Rs.36,50,710/- along with accrued interest thereon (after considering earlier withdrawal of 75%) in the bank account of respondent No.1-C viz. Madan Tukaram Jagtap without personal identification.
- iii.** The Office is further directed to transfer the remaining amount from Rs.42,40,811/- after deducting Rs.36,50,710/- in the bank account of the appellant along with accrued interest thereon without personal identification.
- iv.** The Office is also directed to bifurcate the interest amongst the appellant and the

respondents/claimants as mentioned above
on the appropriate amount.

- v.** The application is disposed of accordingly.

**sandesh*

JUDGE