

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 1040 OF 2022
IN FIRST APPEAL NO. 2349 OF 2020
WITH CA/1042/2022 IN FA/2351/2020
WITH CA/1046/2022 IN FA/2353/2020
WITH CA/1041/2022 IN FA/2352/2020
WITH CA/1044/2022 IN FA/2350/2020
WITH CA/1043/2022 IN FA/2355/2020
WITH CA/1045/2022 IN FA/2354/2020**

AYODHYA TUKARAM VALSE
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
LATUR AND OTHERS

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Advocate for Applicant : Mr. L.C. Patil
AGP for Respondent Nos.1 and 2 : Ms. D.S. Jape
Advocate for Respondent No.3 : Mr. B.R. Surwase

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CORAM : S.G. DIGE, J.
DATE : 15th July, 2022

ORDER :

. Heard learned Counsel for applicant, learned A.G.P. for respondent Nos.1 and 2 and learned Counsel for respondent No.3.

2. Learned Counsel for applicant submits that, applicant had approached to the Hon'ble Apex Court in

respect of release of deposited amount. The Hon'ble Apex Court has relegated this matter by giving directions to file fresh applications for withdrawal of amount. Accordingly, applicant filed this application for withdrawal of amount.

3. Learned Counsel for respondent No.3 submits that, the observations of Hon'ble Apex Court are in respect of other project and no specific directions given by Hon'ble Apex Court. If this Court comes to the conclusion that, applicant is entitled to withdraw the amount then this Court shall take security from applicant.

4. I have heard both the learned Counsel. Applicant was permitted to withdraw 75% amount out of deposited amount. Applicant had approached the Hon'ble Apex Court by way of filing special leave to appeal seeking withdrawal of 100% amount deposited. The Hon'ble Apex Court has disposed of the S.L.P. and observed that, this Court shall consider the similar orders passed by the Hon'ble Apex Court. Considering the observations of

Hon'ble Apex Court, I pass the following order :-

ORDER

- a. Applicant is permitted to withdraw 25% amount out of remaining amount with accrued interest thereon on furnishing solvent surety to the satisfaction of the Registrar (Judicial).
- b. Civil Applications are disposed of, accordingly.

(S.G. DIGE, J.)