

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

36 CIVIL APPLICATION NO.3540 OF 2022
IN FA/319/2021

M/S. JAIN PLASTICS AND CHEMICALS PVT LTD.,
THROUGH ITS DIRECTOR, AURANGABAD
VERSUS
CITY AND INDUSTRIAL DEVELOPMENT CO. (CIDCO)
AURANGABAD AND ANOTHER

...
Advocate for Applicants : Mr. Manoj Shinde, h/f Mr. Amol N. Kakade.
Advocate for Respondent No.1 : Mr. A. S. Bajaj.
AGP for Respondent/State: Mr. A. B. Chate.

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 14th March, 2022.

P.C.:

. It is an application moved by the learned counsel for applicant seeking modification of the order passed by this Court dated 5th January, 2022 in Civil Application No.13628 of 2021 and sought transfer of 50% of the award amount in the account of M/s Tapadia Construction Limited instead of permitting the applicant to withdraw 50% of the award amount and accordingly, sought necessary orders.

2 The order dated 5th January, 2022 passed in Civil Application No.13628 of 2021 has been modified with consent of both the sides just now. Only 50% from 70% in deposit is allowed to be withdrawn by the claimant.

3 The learned counsel for applicant is seeking directions to the Registry to transfer said amount after furnishing undertaking and solvent surety/security in the account of M/s Tapadia Construction Limited.

4 Mr. A. S. Bajaj, learned counsel for acquiring body/CIDCO opposed to allow that prayer since the amount would be transferred in the name of third-party.

5 Mr. Manoj Shinde, holding for Mr. Kakade, learned counsel for applicant submitted that the party would submit undertaking to that effect with the Registrar (Judicial) so that the apprehension raised by the acquiring body would be taken care of.

6 Upon considering the submissions of Mr. Bajaj and Mr. Shinde, learned counsel for respective sides, I proceed to pass the following order:

ORDER

- I. In view of order passed by this Court on 5th January, 2022 in Civil Application No.13628 of 2021, which is modified today i.e. on 14th March, 2022, the Registry shall transfer 50% of the amount in the account of M/s Tapadia Constructions Limited on furnishing necessary undertaking to the satisfaction of the

Registrar (Judicial) of this Court, which would take care of interest of the acquiring body/CIDCO.

- II. The undertaking shall be given by the applicant in terms of clause (7) of the copy of sale-deed dated 3rd May, 1999 executed between Jain Irrigation System Ltd. and Tapadia Constructions Limited.
- III. Civil Application No.3540 of 2022 is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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