

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7902 OF 2022 IN
FIRST APPEAL NO.3384 OF 2016

Balasaheb Dattatraya Mairan

... APPLICANT

VERSUS

Godawari Marathwada Irrigation
Development Corporation & ors.

... RESPONDENTS

.....
Ms L.R. Thorat, Advocate holding for
Mr. L.C. Patil, Advocate for applicant
Mrs. Kalpalata Patil Bharaswadkar, Advocate for R.No.1.
Mr. P.G. Borade, A.G.P. for respondent No.2 & 3
.....

CORAM : R. G. AVACHAT, AND
R. M. JOSHI, JJ.

DATED : 25th NOVEMBER, 2022.

PER COURT :

Heard learned counsel for both the sides.

2. It is pointed out that, by order dated 27/9/2019 in connected matter, i.e. arising out of the same project, the Hon'ble Apex Court permitted withdrawal of 50% amount without security and balance 50% amount on furnishing security to the satisfaction of the Reference Court. It is pointed out that, the present applicant has withdrawn 75% of the amount deposited, with Bank guarantee to the extent of

25% and remaining 25% by furnishing solvent security. On parity, the balance 25% amount is sought to be withdrawn along with interest accrued thereon till date. There is nothing on record to indicate that the order passed by the Hon'ble Apex Court has no application to the present case.

3. While withdrawing the amount, the applicant is entitled to receive interest accrued thereon till date. Similarly, the interest which was accrued at the time of withdrawal of the earlier amount also deserves to be paid to the applicant.

4. In view of the above, the Civil Application is allowed in terms of prayer clause (B) and (C). The amount is permitted to be withdrawn on furnishing undertaking.

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

fmp/-