

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.144 OF 2021

SHEETAL JAIDEV VADE AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

Mr.M.V.Ghatge, Advocate for the petitioners.

Ms.R.P.Gaur, AGP for State.

Mr.Sudha Chintamani, Advocate for respondent No.1.

Mr.D.S.Manorkar, Advocate for respondent No.2.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 1, 2022

PER COURT :

1. We have heard the learned Advocates for the respective sides.
2. The award dated 12/06/2018 was challenged before the Arbitrator and the Arbitrator has enhanced the compensation amount. The said proceeding is then challenged before the learned District Judge and the same is pending. There are no interim orders passed by the said authority.
3. Considering the above, though the petitioners would have a statutory remedy u/s 34 of the Arbitration and Conciliation Act, 1996 to

the extent of the enhanced amount, we do not see any difficulty in directing respondent Nos. 1 and 2 to deposit the amount alongwith interest with respondent No.3/Authority, on or before 31/05/2022 with the interest being computed till the said date.

4. After depositing the said amount, we permit the petitioners to approach the competent authority and file an application alongwith an affidavit undertaking to the extent of withdrawal of 50% of the amount alongwith interest, stating in the affidavit that if in the litigation journey, an adverse order is passed against the petitioners and they are found to have withdrawn excess amounts, the said amounts would be re-deposited with the authority within eight (8) weeks thereafter. In so far as the remaining 50% of the amount with interest is concerned, the petitioners would withdraw 25% of the amount by tendering a solvent surety. The remaining 25% of the amount, would remain deposited with the competent authority who is at liberty to invest the said amount in a FDR in any Nationalized Bank.

5. With the above directions, this petition is disposed off.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)