

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**20 CIVIL APPLICATION NO.15903 OF 2022
IN FAST/8281/2021**

**NAGNATH SANTRAM CHEWALE
VERSUS
THE G.M.I.D.C., LTD., AURANGABAD AND ANOTHER**

...
Advocate for Applicant : Mr. Venjane Tukaram M.
Advocate for Respondents : Mr. Anand Chawre
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19.12.2022

PER COURT :

Heard rival submissions. The applicant is seeking withdrawal of entire amount of compensation which appears to be of Rs. 82,85,953/- and deposited by the Acquiring Body.

The learned counsel for the Acquiring Body strongly opposed the application on the ground that the Reference Court has granted exorbitant compensation which is 48 times of the compensation granted by the Special Land Acquisition Officer. However, the learned counsel for the applicant pointed out that the land under acquisition is just near the Latur City and the comparable sale instance produced by the Reference Court was showing the rate of adjacent lands to the tune of Rs. 30 per square ft., but the Reference Court has granted only

Rs. 28 per square ft. As such, he prayed for withdrawal of entire amount. On the other hand, the learned counsel for the Acquiring Body disputed the submissions in respect of the proximity of the land with Latur City. In view of the same, following order is passed : -

ORDER

- (i) The applicant is permitted to withdraw 75% of the deposited amount along with the proportion interest accrued thereon till date, at this juncture, by furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.
- (ii) The remaining amount be invested in F.D.R. in any Nationalized bank on yearly renewal basis till final disposal of the appeal.
- (iii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-