

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 CIVIL APPLICATION NO.13628 OF 2021
IN FA/319/2021

M/S. JAIN PLASTICS AND CHEMICALS PVT LTD.,
AURANGABAD

VERSUS

THE CIDCO AUTHORITY AURANGABAD
AND ANR

Advocate for Applicants : Mr U.P. Darak
Advocate for Respondent No. 1 : Mr A.S. Bajaj
AGP for Respondent No. 2 : Mrs D.S. Jape

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 5th JANUARY, 2022

PER COURT :

1. It is an application for withdrawal of amount moved by the applicant/original claimant.
2. Heard Mr U.P. Darak, learned counsel for the applicant and Mr A.S. Bajaj, learned counsel appearing for respondent No.1/CIDCO and Mrs Jape, learned AGP for respondent No. 2/State.
3. Mr Bajaj, learned counsel has been fair enough to place on record copies of the orders passed by this Court in Civil Application No.9046/2021 in First Appeal (Stamp) No. 10132/2020 dated 20th September, 2021, thereby allowing the applicant to withdraw the amount of 50 % without any condition, 25 % on furnishing undertaking and remaining 25 % on furnishing bank guarantee. The same is taken on record and marked 'X' for identification.

4. Mr Bajaj, learned counsel further seeks leave to place on record another copy of order passed in First Appeal (Stamp) No. 2634/2021 by the Division Bench of this Court dated 6th December, 2021. The same is also taken on record and marked 'Y' for identification.

5. I do not see any reason to take any different view. It is necessary to allow this application for withdrawal of amount by the same manner by accepting the view taken by my learned brother Hon'ble Shri Justice R.G. Avachat vide order dated 20th September, 2021. With this, I proceed to pass the following order :

ORDER

- (i) The application is hereby allowed as under :
- (a) The applicant is permitted to withdraw 50 % of the amount under the Award.
- (b) He is further permitted to withdraw 25 % of the amount on furnishing undertaking and remaining 25 % of the amount on furnishing bank guarantee.
- (c) The Registrar (Judicial) of this Court to make payment after furnishing necessary undertaking/bank guarantee by the claimant/applicant.
- (d) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]