

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

**CIVIL APPLICATION NO. 13444 OF 2021
IN
CIVIL APPLICATION NO. 3529 OF 2021
IN
FIRST APPEAL NO. 3586 OF 2019**

Shivaji Sahebrao Aghav ... Applicant

Versus

The Executive Engineer,
GMIDC, Aurangabad and others ... Respondents

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Mr. H. D. Deshmukh, Advocate h/f Mr. R. K. Shingnapure, Advocate
for applicant

Mr. H. P. Kshirsagar, Advocate for respondent No.1

Smt. D. S. Jape, AGP for respondent Nos. 2 and 3

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CORAM : R. G. AVACHAT, J.

DATED : 05th APRIL, 2022

PER COURT :-

. This Court, vide order dated 01.10.2021, had permitted the applicant to withdraw the entire amount in deposit with this Court along with interest accrued thereon. Thereafter, on 25.10.2021, this Court passed the order in Civil Application No.11647 of 2021 in First Appeal No.3589 of 2019, permitting the applicants therein to withdraw 75% of the amount in deposit with this Court. While passing the said order, it was observed in para 3

that the order which was relied on for soliciting order in Civil Application No.11647 of 2021, it was realised that interest was awarded in breach of Full Bench judgment of this Court in the case of *State of Maharashtra V Kailash Shiva Rangari – AIR 2016 BOMBAY 141*.

2. After having gone through the facts and the impugned order, it is found that the interest has rightly been granted from the date of award and not from any other earlier date.

3. In view of the same, the order dated 01.10.2021 is modified, permitting the applicants in Civil Application No.3528 of 2021 and Civil Application No.3529 of 2021, to withdraw 75% of the amount in deposit with interest accrued thereon.

4. The civil application stands disposed of.

[R. G. AVACHAT, J.]

SMS