

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

**CIVIL APPLICATION NO.16908 OF 2022  
IN ARBA/1/2017**

**M/S SHINDE AND SONS THR ITS PARTNER SITARAM  
BUDHAJI SHINDE  
VERSUS  
THE EXECUTIVE DIRECTOR MARATHWADA GODAVARI  
DEVELOPMENT CORPORATION THR ITS EXECUTIVE  
ENGINEER**

...

Mr. G. K. Naik Thigle, Advocate for the Applicant.

Mr. B. R. Surwase, Advocate for Respondent.

...

**CORAM : SANDEEP V. MARNE, J.  
DATED : 16<sup>th</sup> DECEMBER, 2022.**

**PER COURT:-**

1. The application is filed seeking leave to withdraw the amount deposited by appellant in the appeal in this Court.
2. By order dated 06.11.2017 this Court directed deposit of 60% of the Award amount. The order dated 06.11.2017 was challenged both by respondent as well as appellant before the Apex Court. The appeal of appellant was dismissed. In the appeal filed by respondent, appellant was directed to deposit entire Award amount with a leave to respondent to withdraw the same against security.
3. Learned counsel for appellant as well as respondent submit that the appellant-Corporation has deposited only an amount of Rs.5 crores on 25.02.2019, which does not even conform to 60% of the Award amount.

4. The appeal has been dismissed by judgment and order dated 06.12.2022. In that view of the matter leave is granted to respondent in the appeal (applicant in civil application) to withdraw the amount deposited in the appeal alongwith accrued interest without providing any security.

5. Civil Application is disposed of.

**(SANDEEP V. MARNE)**  
**JUDGE**