

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (CAF) No. 561/ 2022

IN

First Appeal (FA) No. 155/2020

Executive Engineer, Bembla Project, Yavatmal

..VS..

Subhash Parashram Atal and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.B. Patil, Advocate for the non-applicant/appellant
Shri M.M. Agnihotri, Advocate for applicant/respondent nos. 1 to 3
Ms. Kalyani R. Deshpande, AGP for respondent nos. 4 and 5

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, J.J.

DATED : 14/03/2022

The claimants seek permission to withdraw the amount of compensation deposited by the Acquiring Body before the Reference Court. We have perused the judgment of the Reference Court. *Prima facie*, it is seen that while enhancing the amount of compensation for land the Reference Court has taken into consideration the Award passed in Land Acquisition Case No. 85/2010 – Exh. 77.

In view of the aforesaid, the claimants are permitted to withdraw 50% of the amount deposited by the Acquiring Body before the Reference Court subject to filing an undertaking in this Court that if the appeal preferred by the Acquiring Body is allowed, the amount withdrawn shall be redeposited with interest at such a rate the Court may grant. Rest of the amount shall remain invested in fixed deposit. The civil application is disposed of.

JUDGE

JUDGE