

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

**916 CIVIL APPLICATION NO.762 OF 2023
IN FA/127/2021**

**NIMBADAS S/O PANDURANG PATIL (MAKWAN)
VERSUS
THE EXECUTIVE ENGINEER, HATNUR PRO. DIV. CHOPDA
NOW OFFICE AT, LOWER TAPI PRO. DIV. AMALNER AND
ANOTHER**

...

Mr. P.B. Patil, Advocate for the applicant.
Mr. Subhash Chillarge, Advocate for respondent No.1.
Mr. B.V. Virdhe, A.G.P. for respondent No.2.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20th January 2023.

ORDER:-

1. Heard rival submissions. The applicant is seeking modification of the order dated 29th November 2022 by replacing the condition of bank guarantee with furnishing solvency/security in respect of withdrawal of Rs. 50,00,000/-.
2. The learned Counsel for the Acquiring Body strongly opposed the application.
3. The letter of Bank of Baroda indicates that they would issue bank guarantee only if there was fixed deposit of Rs. 50,00,000/-. Maharashtra Gramin Bank has also issued similar letter. However, it is between the claimant and bank. This Court has already passed order to safeguard the interest

of Acquiring Body which is evident from paragraph 2 of the order, since there was dispute about existence of fruit bearing trees in respect of which the compensation has been granted. In view of the same, I am not inclined to modify the order as prayed.

4. The application is accordingly stands rejected.

(SANDIPKUMAR C. MORE, J.)