

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

CIVIL APPLICATION NO.5510 OF 2023
IN FA/786/2022 WITH CA/3660/2022

TEJRAJ SHAMRAO PATIL
VERSUS
TAPI IRRIGATION DEVELOPMENT CORPORATION THR EX. ENGG,
GIRANA IRRIGATION DIVISION, JALGAON AND ORS

...

Advocate for Applicant : Mr. Vijay Bhalerao Patil
Adv. for Respondent No.1: Mr. S.D. Dhongade

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 10TH JULY, 2023

ORDER :-

1. Heard the learned Advocates appearing for the respective parties.
2. Mr. Patil, learned Advocate appearing for the applicant would invite attention of this Court to the findings of the Tribunal showing that the lands are held to be irrigated on the basis of facilities of well and tube-well.
3. Per contra, Mr. Dhongade, the learned Advocate appearing for respondent no.1 would rely upon the observations in Paragraph No.27 to contend that, the Reference Court has assumed the availability of the water from the project for which the lands are acquired.

4. Having considered the rival submissions, it would be appropriate to permit the applicant/s to withdraw 75% of the amount deposited in this Court subject to furnishing an undertaking that in case of any adverse order and direction by the Appellate Court, they shall re-deposit the amount withdrawn within a period of eight weeks along with interest @ 6% p.a.

5. The undertaking as stated above shall be furnished within a period of six weeks.

6. Civil Application is disposed of accordingly.

IN APPEAL :-

Heard.

Admit.

Print and paper book dispensed with.

IN APPLICATION FOR STAY :-

Mr. Dhongade, learned advocate for the applicant submits that the entire amount as per the award has been deposited with the Registry of this Court.

In that view of the matter, Civil application is allowed in terms of prayer clause (B) and same is disposed of accordingly.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-