

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

**CIVIL APPLICATION NO.10343 OF 2023
IN FAST/79/2020 WITH CA/937/2020 IN FAST/79/2020 WITH
CA/938/2020 IN FAST/79/2020**

**ASHABAI @ ASHA PRAKASH PADWAL
VERSUS
THE EX. ENGINEER, (NIRMAN) (CONSTRUCTION) C.R. SOLPAUR THR
DY. CHIEF ENGINEER AND ORS**

...
Advocate for Applicant : Mr. S. A. Wakure
Advocate for Respondent No.1: Mr. M. N. Navandar
AGP for Respondent Nos.2 and 3: Mr. S. S. Dande

...
CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.08.2023

PER COURT :

A. Order in Civil Application No.10343/2023 :

1. Heard the rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the Acquiring Body alongwith the interest accrued thereon.
3. The learned counsel for the respondent Acquiring Body opposed the application on the ground that the Reference Court has granted exorbitant amount of compensation and that the land under acquisition was in fact dry land. He pointed out that the G.R. of four times is not applicable in this matter.
4. In view of the same and considering the enhancement granted by the learned Reference Court, the applicant is permitted to withdraw 75% of the deposited amount of compensation

alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount be kept in FDR in any Nationalized Bank on yearly renewal basis till final disposal of this appeal.
6. The civil application is accordingly disposed of.

B. Order in Civil Application No.937/2020 :

1. The appellant – Acquiring Body is seeking condonation of delay of 2059 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side and therefore, the delay of 2059 days stands condoned.
2. Appeal be registered.
3. Application is accordingly disposed of.

C. Order in Civil Application No.938/2020 :

1. Since the appellant – Acquiring Body has deposited entire amount of compensation as directed by this Court, the application is made absolute in terms of prayer clause (B) and disposed of.

D. Order in First Appeal :

1. 'Admit'.
2. On admission, issue notice to the respondents.
3. Mr. Wakure, learned Advocate waives notice on behalf of

respondent no.1 and Mr. Dande, learned AGP waives notice on behalf of respondent nos.2 and 3.

4. Print and paper book dispensed with.
5. Appellant to remove all office objections.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer