

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 CIVIL APPLICATION NO.11294 OF 2023
IN FAST/25179/2020 WITH CA/8034/2021 IN FAST/25179/2020 WITH
CA/8035/2021 IN FAST/25179/2020

ARJUN GOVIND SAPKAL
VERSUS
THE M.K.V..D.C. THR EX. ENGINEER, OSMANABAD MEDIUM
PROJECT AND ORS

...
Advocate for Applicant : Mr. Kale Ajeet B.
AGP for Respondents-State : Mr. A. B. Chate
Advocate for Respondent No.1 : Mr. A. M. Gaikwad
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08/09/2023

PER COURT :

The learned Advocate appearing for the appellant points out that by order dated 17/08/2021 he was granted stay subject to the deposit of 75 % of the amount under the impugned award within twelve weeks. He submits that he has deposited the entire amount. However, by order dated 28/02/2022 this Court has noticed that while grant ad-interim stay vide order dated 13/08/2021 direction was given to the applicant/acquiring body to deposit the entire amount under the award within a period of twelve weeks from the date of order. There appears confusion between these two orders.

2. Registry to verify the order dated 13/08/2021 passed by this Court and report be submit to this Court within a period of two weeks. However, till further orders, there shall be stay to the order passed by the reference Court. List the Stay application on 03/11/2023.

3. The application for withdrawal of amount is filed by the original claimant. Having heard the learned Advocate for the applicant. The applicant is permitted to withdraw 60% of the total amount of the award passed by the Reference Court along with accrued interest. Remaining 15 % amount be kept in fixed deposit. In view of the same, application for withdrawal of amount is disposed of.

4. For the reasons stated in the application, the application for condonation of delay of 946 days caused in filing appeal, is allowed and disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.