



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12824 OF 2023
IN FA/1383/2018

Dnyandeo Bhaurao Suryawanshi And Others ...Applicants

Versus

The G.M.I.D.C. Aurangabad Through
The Executive Engineer, Lift Irrigation/Med.
Pro. Div., Osmanabad And Another ...Respondents

Mr. S.N. Patne, Advocate for the applicants.
Mr. P.R. Tandale, Advocate for respondent No. 1.
Mr. D.B. Bhange, AGP for State.

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CORAM : KISHORE C. SANT, J.

DATE : 5th DECEMBER, 2023

PER COURT:

1. This application is filed seeking permission for withdrawal of amount. This Court had directed the respondent to deposit the entire amount as awarded by the Reference Court and same is now deposited in this Court long back.

2. It is pointed out by Mr. Patne, learned advocate for the applicants that in the present case lands were acquired in the year 1998 and the rate granted by SLAO was only Rs. 245/- per Are and therefore the reference was filed for enhancement. Before the Reference Court earlier judgments were produced

which were passed by the Reference Court in the cases where lands were acquired in the year 1996. In those references, Reference Court had awarded the rate of Rs. 2000/- per Are. The Reference Court in the present case thus considered Rs. 2,000/- as rate of year 1996. Since in this case acquisition is in the year 1998 the Court has added 10% amount per year and thus has arrived at a conclusion that Rs. 2400/- would be just and proper compensation.

3. It is further submitted that references where the award was passed at the rate of 2000/- were not challenged by the respondents therein. It is thus submitted that the rate will have to be at least Rs. 2000/- per year. A request is therefore made that applicants be allowed to withdraw entire amount. However, considering that there are some grounds in the appeal, this Court finds that 50% amount can be allowed to be withdrawn on furnishing usual undertaking, 25% amount can be allowed to be withdraw by furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court and remaining 25% amount needs to be deposited in the Nationalized Bank in Fixed Deposit to be continued till decision of the first appeal and be renewed after regular interval. Hence, the following order:

ORDER

1. Civil Application is partly allowed.
2. Applicants be allowed to withdraw 50% amount on furnishing usual undertaking with accrued interest, if any.
3. Amount of 25% be allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court, with accrued interest, if any.
4. Remaining amount of 25% be deposited in Fixed Deposit in Nationlised Bank and be renewed at regular intervals till decision of first appeal.
5. With this, civil application stands disposed of.

[KISHORE C. SANT, J.]