

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO.11591 OF 2023
IN FA/3254/2022 WITH CA/9193/2022 IN FA/3254/2022

SANDIPAN BHAGWAN GAIKWAD AND ANR
VERSUS
GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORO.
LTD.THR. EX. ENGINEER,MIW, L.I. OSMANABAD AND ORS

...
Advocate for Applicants : Mr. Naiknavare Ramesh Vitthal
AGP for Respondents-State : Mr. N. T. Bhagat
Advocate for Respondent No.1 : Mr. M. C. Swami
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 26/09/2023

PER COURT :

Heard the learned Advocate representing the respective parties.

2. In application for withdrawal of amount, the learned Advocate for the applicants submits that in the identical facts situation in matters arising out of the same project, this Court by order dated 21/06/2019 in CA/5109/2019 in FA/996/2018, along with other connected matters, has permitted the applicants to withdraw total 60 % of compensation amount and balance 40 % amount is permitted to be withdrawn on furnishing bank guarantee.

3. In view of the above, the applicants are permitted to withdraw the entire 60% of the compensation amount, deposited in this Court

along with interest accrued thereon, on usual undertaking to the satisfaction of the Registrar Judicial of this Court.

4. Balance 40 % amount is permitted to be withdrawn on furnishing bank guarantee of any Nationalized or scheduled bank in the like amount. The application are disposed of.

5. In Stay application, the Stay has been granted to the Reference Court award subject to deposit of entire amount of compensation as determined by the Reference Court. The acquiring body has deposited amounts of compensation as directed in this Court.

6. In view of the same, the Stay order passed by this Court dated 13/07/2022, is confirmed. Applications is disposed of.

7. The appeal is **Admitted**. The learned AGP waives service of notice on behalf of respondent-State and learned Advocate Mr. R V. Naiknaware waives service of notice on behalf of respondents No.1 and 2.

(ARUN R. PEDNEKER, J.)

vj gawade/-.