

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

**CIVIL APPLICATION NO.201 OF 2023 IN
FIRST APPEAL NO. 1113 OF 2021**

Sudam Malhari Sonnar

Applicant

Versus

The Executive Engineer,
Osmanabad Medium Project
Division, Osmanabad & others

Respondents

Mr. D. A. Bide, advocate for the Applicant

Mr. B. R. Suravase, advocate for Respondent No.1.

Mrs. G. L. Deshpande, AGP for Respondents No.2 & 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 09th March, 2023.

PC :

Heard rival submissions.

The applicant is seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-acquiring body.

Though this Court passed an order was for depositing 75% amount of the impugned award along with proportionate interest, but the acquiring body has deposited

only Rs.42,36,144/-.

Since there was dispute regarding the exact amount which was ordered to be deposited, this Court, vide order dated 01.02.2023 had asked the Registry to calculate the aforesaid 75% of the impugned award. Thereafter, as per report dated 10.02.2023, the Section Officer of PLA Branch, has calculated the amount of 75% of the award being of Rs.54,59,624/-. Thus, it appears that the acquiring body has not deposited 75% amount of the impugned award.

Further, it appears that the learned Reference Court has awarded enhanced compensation to the extent of five times of the compensation awarded by the SLAO. Moreover, the acquiring body has not deposited the entire 75% amount of the award.

In view of the same, the application is allowed and the applicant is permitted to withdraw the deposited compensation amount of Rs.42,36,144/- along with accrued interest thereon till date by furnishing usual undertaking before the Registrar (J) of this Court.

The appellant-acquiring body is directed to deposit

remaining amount from 75% compensation of the award within six weeks, as calculated by this office under report dated 10.02.2023.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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