

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**FIRST APPEAL NO.180 OF 2023**

Maharashtra Industrial Development Corporation, through its Executive Engineer,  
Yavatmal

Vs.

Kalawatibai wd/o Anandrao Yadav and others

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. Vinay Dahat, Advocate h/f Mr. J. B. Kasat, Advocate for the appellant.  
Mr. Abhay Sambre, Advocate for the respondent No.1  
Ms. T. Udeshi, AGP for the respondent Nos.2 and 3.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 29/03/2023**

Heard.

**Admit.**

Learned Advocate Mr. Sambre, waives notice  
for respondent No.1.

Learned AGP Ms. Udeshi, waives notice for  
respondent Nos.2 and 3.

Call for record and proceedings.

Appellant to file paper book within six  
weeks.

Appeal be placed after paper book is filed,  
its verification, as per its own turn.

**Civil Application (CAF) No.2283/2022**

Present application is filed by the

respondent No.1/claimant for withdrawal of the amount of Rs.1,56,45,733/-.

It is submitted by the learned Advocate Mr. Sambre for the respondent No.1 that now the appellant has already filed the calculation sheet and in view of that calculation sheet clause No.11, the respondent No.1/claimant is entitled to receive the entire amount of compensation Rs.45,69,614/-.

The said application is strongly opposed by the learned Advocate Mr. Vinay Dahat, for the appellant on the ground that appellant has challenged the Judgment and Award passed by the trial Court as excessive and exorbitant compensation amount is awarded. If the calculation sheet is taken into consideration, then total amount along with the interest it comes to 1,56,45,733/-.

In view of the reasons mentioned in the application, at this stage, the respondent No.1/claimant is entitled to receive the entire amount of compensation Rs.45,69,614/- along with accrued interest.

The amount be disbursed to the respondent No.1/claimant on usual undertaking.

The respondent No.1/claimant shall give the undertaking to the extent that, if appellant succeeds in the appeal and directions are issued, to refund the amount forthwith.

**(URMILA JOSHI-PHALKE, J.)**