

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 2328 OF 2022

IN

FIRST APPEAL NO. 1117 OF 2019

(Assistant Director, Town Planning, Special Planning Tribunal (MHADA), Chandrapur ..vs..
Kirti Vijay Jadhav and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.P. Kothari, Advocate for the appellant/applicant.
Ms Haider, A.G.P. for the State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : JANUARY 11, 2023.

Heard.

2. By this application, the applicant is seeking directions to refund the amount of Rs.70,03,994/- deposited in the name of Special Planning Authority (SPA), Nagpur Housing and Area Development Board, Nagpur.

3. As per the contention of the applicant, the applicant has challenged the judgment and award passed by the Joint Civil Judge, Senior Division, Chandrapur in Land Acquisition Case No.10/2011 which is allowed by this Court on 12/03/2021. While allowing this appeal, this Court has already directed to refund the amount to the applicant/appellant along with interest accrued thereon. As per the contention of the applicant that the

appeal is filed in the name of Assistant Director, Town Planning and Special Planning Tribunal, MHADA, Chandrapur however the amount is in the name of Special Planning Authority(SPA), Nagpur Housing and Area Development Board, Nagpur and therefore, notice be issued directed to release the amount of Rs.70,03,994/- along with interest.

4. The directions are already passed by this Court while allowing the appeal.

5. Considering the reasons mentioned in the application, as the amount is in the name of Special Planning Authority (SPA), Nagpur Housing and Area Development Board, Nagpur and in view of the reasons mentioned in the application, the application is allowed.

6. Office is directed to release the amount of Rs.70,03,994/- along with interest in the account of Special Planning Authority (SPA), Nagpur Housing and Area Development Board, Nagpur.

7. The Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*