



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

919 WRIT PETITION NO. 2589 OF 2024

**M/S PALLAVI CONSTRUCTIONS THROUGH ITS MANAGING PARTNER
SUDHAKAR GANESHRao PATIL**

VERSUS

**WATER RESOURCES DEPARTMENT THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

Mr. S. N. Singh, Advocate for the petitioner
Mr. S. V. Hange, AGP for the respondent/State
Mr. B. R. Surve, Advocate for respondent no.2.

AND

920 WRIT PETITION NO. 2592 OF 2024

**M/S PALLAVI CONSTRUCTIONS THROUGH ITS MANAGING PARTNER
SUDHAKAR GANESHRao PATIL**

VERSUS

**WATER RESOURCES DEPARTMENT THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

Mr. S. N. Singh, Advocate for the petitioner
Mr. S. V. Hange, AGP for the respondent/State
Mr. B. R. Surve, Advocate for respondent no.2.

AND

921 WRIT PETITION NO. 2593 OF 2024

**M/S PALLAVI CONSTRUCTIONS THROUGH ITS MANAGING PARTNER
SUDHAKAR GANESHRao PATIL**

VERSUS

**WATER RESOURCES DEPARTMENT THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

Mr. S. N. Singh, Advocate for the petitioner
Mr. S. V. Hange, AGP for the respondent/State
Mr. B. R. Surve, Advocate for respondent no.2.

CORAM : R. M. JOSHI, J.

DATE : 22nd NOVEMBER, 2024

PER COURT :-

1. These petitions take exception to the orders dated 22nd

December, 2023 passed in RCA Nos.26/2022, 25/2022 and 27/2022 whereby the application filed by the petitioner/original respondent came to be allowed with a direction to the respondent to deposit an amount of Rs.20,31,000/-, Rs.13,62,000/- and 17,21,000/- respectively in a fixed deposit and thereafter amount deposited by the appellant to be paid to the respondent.

2. Though the learned First Appellate Court has observed that the respondent cannot be permitted to withdraw the amount deposited without any security, however, the order passed by the learned Court is not conceivable. When the petitioners have moved an application for withdrawal of the amount deposited by the appellant therein, question of the petitioners being asked to deposit the said amount in the Court does not arise. For this reason, the petitions stand allowed. Impugned orders are set aside.

3. Liberty is granted to the petitioners to move fresh application to the First Appellate Court. The First Appellate Court is directed to decide the said application if filed afresh without getting influenced by the order impugned.

(R. M. JOSHI, J.)

ssp