



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

16 CIVIL APPLICATION NO. 4158 OF 2024

IN FA/2746/2021

SHIVAJI BHANUDAS LAWATE

VERSUS

THE EX. ENGINEER, OSMANABAD MEDIUM PROJECT DIV. AND ORS

WITH

CIVIL APPLICATION NO. 4157 OF 2024

IN FA/2745/2021

ASHRUBA SADASHIV LAWATE

VERSUS

THE EXE. ENGINEER, OSMANABAD MED. PRO. DIV., OSMANABAD AND ORS

Mr.D.A. Bide, Advocate for the applicants.

Mr.PA. Pisal, Advocate for respondent No.1.

Ms.M.N. Ghanekar, AGP for respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATED : 19.06.2024

PC :-

01. Heard learned Advocates for the parties. These applications are filed for withdrawal of the amount of compensation deposited in this Court. The learned Advocate for the applicants submits that only 75% of the amount as per the award is deposited in this Court that too without interest. He submits that the enhancement granted by the learned Reference Court is within four times. In LAR No.1099 of 2014 the SLAO has awarded amount of Rs. 20579/-, which is enhanced to Rs.67200/-. In LAR No.1021 of 2014 the SLAO has awarded amount of Rs.24450/- and the same is enhanced to Rs.81300/-. It is, thus, clear that the enhancement is within four times. The learned Advocate for the acquiring body, however, submits that the main ground of challenge in the appeals is that the Reference Court has awarded

interest on the amount of compensation from the date of taking possession of the land and not from the date of award, which is against the legal position.

02. Considering that the amount deposited is only 75% of the amount under the award without interest, this Court is inclined to allow the applications.

03. The applications are allowed. The applicants are allowed to withdraw the entire amount deposited in this Court along with interest accrued on furnishing undertaking to the effect that in case the appeals are allowed, they shall reposit the amount with interest within 12 weeks from the date of such order.

[KISHORE C. SANT, J.]