



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10565 OF 2024
IN WP/1256/2024

RENUKAMATA KRUSHI VIKAS PRATISHTAN DEVGAON
THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA
THROUGH DISTRICT COLLECTOR AND OTHERS

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Advocate for Applicant : Mr. Kedar Shrimant Ravsaheb
AGP for Respondents/State : Mr. S.R. Wakale
Advocate for R/2 & 3 in WP : Mrs. R. R. Tandale For R/2 And R/3 In W.p.

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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 27th September, 2024

PC. :-

1. On 07.03.2024, we had passed the following order:

“On 31.01.2024, we had granted conditional ad-interim protection to the Petitioner. The Petitioner was directed to deposit 50% of the recovered amount, which was Rs.9,22,000/-, in view of the total amount of Rs.18 lakhs and odd. The said amount has not been deposited within four weeks. Even after passage of six weeks beyond the time granted, the amount is not deposited. As such, the interim relief stands vacated.”

2. Keeping in view the law laid down in **M/s Shewalkar Developers Ltd. Vs. Rupee Co-operative Bank Ltd., reported in 2016 (1), Mh. LJ. 382**, the above order was passed.

3. The learned advocate appearing on behalf of Respondent Nos.2 and 3 submits that during the pendency of the Petition, the dues have increased to Rupees Thirty One Lakhs. She, therefore, prays that the Petitioner should be directed to deposit 50% of the due amount as it stands today. The Applicant Petitioner submits that he cannot deposit 50% of this amount.

4. We have heard the learned advocates. An equitable order has been passed. We do not find any reason for which the order needs to be modified. **The Civil Application is, therefore, rejected.**

5. Let the Respondents file their affidavits in reply in Writ Petition No.1256/2024, on or before 15.10.2024.

6. List the Writ Petition on 22.10.2024, for admission hearing.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]