



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 544 OF 2024
IN
FIRST APPEAL NO. 1013 OF 2017

Shankar Baliram Chalwad & Ors.

...Applicants

Versus

The Chief Officer, MHADA & Ors.

...Respondents

.....

Mr. Suraj V. Gundre – Advocate for the Applicants

Mr. B. V. Virdhe – Advocate for respondent no. 1

Mr. S. W. Deshpande – AGP for respondent/State

.....

CORAM : R. G. AVACHAT
AND
NEERAJ P DHOTE, JJ.

DATED : 18TH MARCH, 2024

PER COURT : -

1. This application is filed for grant of permission to withdraw the remaining amount deposited by the Acquiring Body i.e. the original Appellant.

2. After hearing both the sides, there is no dispute on the following aspects : -

- (i) The Acquiring Body has deposited total amount of Rs.5,06,06,159/- in this Court.

- (ii) The Applicants were permitted to withdraw an amount of Rs.3,40,55,126/- [Rupees Three Crore Forty Lakh Fifty Five Thousand One Hundred and Twenty Six] by order dated 13.09.2019.
- (iii) Out of Rs. 3,40,55,126/-, the Applicants were permitted to withdraw Rs. 1,70,27,563/- [Rupees One Crore Seventy Lakh Twenty Seven Thousand Five Hundred and Sixty Three] on submitting an undertaking to the satisfaction of the Registrar of this Court and remaining amount of Rs.1,70,27,563/- [Rupees One Crore Seventy Lakh Twenty Seven Thousand Five Hundred and Sixty Three] on furnishing bank guarantee of a nationalized / scheduled bank or solvent surety of the like amount in this Court.
- (iv) Now the Applicants seek to withdraw remaining amount of Rs.1,65,51,030/- [Rupees One Crore Sixty Five Lakhs Fifty One Thousand and Thirty] deposited by the Acquiring Body in this Court.

3. Learned advocate for the Acquiring Body strongly opposes the Application and submits that the Appeal be heard finally.

4. After hearing both the sides, we permit the Applicants to withdraw 50% of the amount of Rs. 1,65,51,030/- [Rupees One Crore

Sixty Five Lakhs Fifty One Thousand and Thirty] deposited by the Acquiring Body on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. It is made clear that no application for withdrawal of amount would be considered for a period of three years.

6. Civil Application is, accordingly, disposed of.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde