

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.362 OF 2024

IN

FIRST APPEAL NO. 673 OF 2019

Mr. Subhash Pandurang Gholekar & Ors. : Applicants

IN THE MATTER BETWEEN

Maharashtra Industrial Development
Corporation Ratnagiri : Appellant

Vs.

Mr. Subhash Pandurang Gholekar & Ors. : Respondents

Adv. Farhan Shaikh i/by Khandeparkar & Associates for the Applicants.
Adv. Akshay S. Karlekar i/by Shreeyog Law Associates for the
Respondent/Original Appellant (MIDC).

CORAM : KISHORE C. SANT, J.

DATE : 15TH FEBRUARY, 2024

PC. :

1. Heard.
2. This Application is filed seeking withdrawal of the amount deposited in this Court by the Appellant/Acquiring Body. Learned Court in a reference was pleased to enhance the amount of compensation awarded to the present Applicant/Original Claimant. The land of the Claimant was acquired by awarding rate of Rs.350 per Are and the same is enhanced to

Rs.790 per Are for the entire acquired land. The Amount of enhancement was Rs.6,58,087-. The total amount is deposited in the reference Court as a condition for stay. The said order was passed by order dated 26th June, 2019.

3. Pursuant to the order passed by this Court now the amount is already deposited. The Applicant has filed this Application for withdrawal of the said amount. The Claimant has lost their valuable property in acquisition and the amount is towards compensation for the said land. This Court *prima facie* finds that the amount of Rs.790 per Are. to be just and fair. Considering that the land is acquired in 2006. This Court also finds that no purpose will be served by keeping the amount idle in the reference Court. In case Appeal is decided against the Applicants the amount can be redeposited. Applicants also can be directed to file an undertaking that in case the Appeal is decided against the Claimant, they shall redeposit the amount in this Court. Hence the following order.

ORDER

- a) Applicants are entitled to withdraw 50% of Rs.6,58,087/- amount along with interest, if any, accrued thereon by giving an undertaking that in

case the Appeal is allowed they shall redeposit the amount in the reference Court within 6 weeks from the date of judgment.

- b) Amount of 25% of Rs.6,58,087/- be withdrawn by furnishing security towards the said amount to the satisfaction of the reference Court along with accrued interest.
- c) The amount of 25% of Rs.6,58,087/- be deposited in fixed deposit in the Nationalised Banks to be renewed from time to time till disposal of the Appeal.
- d) Interim Application stands allowed.

(KISHORE C. SANT, J.)

(Corrected pursuant to speaking to minutes of order dated 22nd February, 2024.)