
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.15299 OF 2024
IN
FIRST APPEAL(ST)NO.2402 OF 2024

Shri Santosh Goel & Ors .. Applicants
IN THE MATTER BETWEEN
The State of Maharashtra & Ors ..Appellants

Versus

Shri Santosh Goel & Ors .. Respondents

Mr.T. D. Deshmukh, with Mr.Sagar Kursija i/b Ritesh Kulkarni,
Advocates for the Applicants/Orig.Respondents.

Mr.A. R. Patil, Addl. G. P. for the Orig. Appellants.

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CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: DECEMBER 5, 2024

P. C.

1. The above Interim Application is filed by the Applicants (the Original Respondents in the Appeal) seeking to withdraw the amounts deposited by the Appellants in this Court. The issue in the above First Appeal is that the land of the Appellants was acquired and the Award was passed on 30th November 2021. Being aggrieved by the quantum of the compensation awarded, the Respondents herein referred a Land Acquisition Reference. In the Land Acquisition Reference, an order was passed by the Reference Court

enhancing the compensation payable to the Original Respondents (the Applicants herein). This order of the Reference Court has been challenged in the above Appeal and as a condition for stay of the impugned order, the decretal amount has been deposited by the Appellants in the Reference Court.

2. After hearing the learned counsel appearing for the Applicants (the Original Respondents in the Appeal) as well as the learned counsel appearing for the Appellants, we are of the view that the interest of justice would be served if the Applicants are permitted to withdraw 50% of the entire amount deposited by the Appellants in the Reference Court (with accrued interest, if any) on furnishing an undertaking to the Reference Court that the Applicants herein shall bring back the amount [or any part thereof] in the event the above Appeal succeeds, with such rate of interest this Court may deem fit. The balance 50% of the amount, the Applicants are free to withdraw on furnishing a bank guarantee of a Nationalized Bank. In the event the balance 50% amount is not withdrawn by the Applicants within a period of four weeks from today, the said amount shall be invested in a Fixed Deposit of a Nationalized Bank which shall be renewed from time to time and will abide by the further orders passed in the above Appeal.

3. The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]