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930 WP-11596-2021

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

930 WRIT PETITION NO. 11596 OF 2021

Godavari Hatmag Vastra Nirman Sahakari Sanstha Through Its President

VERSUS

The State Of Maharashtra And Others

WITH

CIVIL APPLICATION NO. 2988 OF 2024

IN WP/11596/2021

WITH

CIVIL APPLICATION NO. 2989 OF 2024

IN WP/11596/2021

WITH

WRIT PETITION NO. 10299 OF 2021

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Mr. Sunil V. Kurundkar, Advocate for the Petitioner.

Mr. S. V. Deshmukh Advocate for Respondent No. 4 and 5.

Mr. S. A. Mulla h/f Mr. R. K. Ingole, advocate for Respondent.

Mr. A. S. Bajaj, Advocate for Respondent No.4 to 6 in WP/2989/2024.

Mr. K. K. Naik, AGP for Respondent-State.

**CORAM : KISHORE C. SANT &
ABASAHEB D. SHINDE, JJ.**

DATE : 11th DECEMBER 2025.

PC :-

CIVIL APPLICATION/2989/2022

1. Heard the learned Advocate for the parties.
2. This application is filed seeking withdrawal of the amount

deposited by the Respondent-CIDCO Authority in the office of this Court. The total amount deposited in this Court is Rs. 6,72,76,600/-. The said amount is against the Award in respect of acquisition of the land of the applicant. Both the parties have challenged the Award before this Court.

3. Learned Advocate for Respondent-CIDCO submits that the applicant is already paid the amount of interest at the rate of 8% from 1997, to which the applicant/petitioner is not entitled to.

4. As against that, it is the claim of the applicant that, the Award was passed by the Respondent-CIDCO considering the provisions of new Land Acquisition Act, and therefore, the rate of 1st January 2014 needs to be considered while granting compensation.

5. The dispute is exactly as to whether the provisions of new Land Acquisition Act would be applicable or as contended by the Respondent-CIDCO authority that it would not be applicable. It is also the submission of learned Advocate for the Respondent-CIDCO that the date of acquisition for the Award also needs to be taken as of year 2000. If the valuation of the year 2000 is considered, then the amount would be

much lesser than what is awarded. This Court finds that keeping the entire amount pending in this Court would be of no use. However, the equities are required to be balanced.

6. Considering above, this Court finds that present application can be allowed in following terms.

ORDER

- (i) Civil Application stands allowed.
- (ii) Applicant is entitled to withdraw the amount of Rs.1,00,00,000/- (Rupees One Crore Only) on furnishing undertaking that in case the petition of present applicant fails and the petition of Respondent-CIDCO is allowed, the applicant shall re-deposit the amount with interest in the office of this Court within a period of twelve (12) weeks from the date of such amount from the date of such judgment.
- (iii) Further amount of Rs.1,00,00,000/- (Rupees One Crore Only) is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iv) With this, Civil Application stands disposed off.

5. Both the writ petition be listed on board dated 19th January 2026, in urgent category.

[ABASAHEB D. SHINDE, J.]

[KISHORE C. SANT, J.]