

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2984 OF 2025  
IN FA/1014/2024

Keshavrao Venkatrao Patil

....Applicant

**VERSUS**

Maharashtra State Electricity Distribution Com Through Exe Engineer M  
S E D Construction And Anr

.....Respondent

.....

Advocate for Applicant : Mr. Balasaheb Kishanrao Pawar

Advocate for Respondents : Mr. Avishkar S Shelke For R/1, Copy Served  
On Gp Fo R/2

AGP For respondent No.2 : Mr. V.S. Badakh.

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**CORAM : S.G. CHAPALGAONKAR, J.**

**DATE : 26TH MARCH, 2025.**

**ORDER. :-**

**ON CA No. 2984 of 2025.**

1. Heard learned advocate for the applicants.
2. The applicants are seeking permission to withdraw the amount deposited by the Acquiring body in LAR No.499 of 2011.
3. Perused the judgment and award delivered by Reference Court. It is apparent that the Reference Court relied upon sale instances from same village and determined rate of compensation. Mr. Shelke, submits that reliance on the aforesaid sale instances is misplaced as lands under the sale deeds were abutting to Highway whereas, acquired lands are about 400 meters inside the Solapur State Highway.
4. Considering the submissions advanced and controversies raised, apparently, the Reference Court based its decision on the plausible

material to indicate approximate value of land at the time of acquisition. Therefore, there is no impediment to permit the applicants to partially withdraw the amount as deposited by Acquiring Body. Further, learned advocate for applicants contend that Acquiring Body has not deposited 100% amount as per the award.

5. The learned advocate for applicant is at liberty to submit his calculations to Mr. Shelke, appearing for the respondents, who shall counter the calculations by next date. However, till the aforesaid exercise is done, applicants can be permitted to withdraw 60% of the amount of compensation deposited by Acquiring Body. Hence, following order

### **ORDER**

[a] The application is partly allowed;

[b] The applicants are permitted to withdraw 60% of the amount as deposited by the acquiring body, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court to the effect that in case any adverse order is passed in appeal, they shall re-deposit or refund the amount.

[c] In case, the statement made by learned advocate for applicant that acquiring body has not deposited 100% amount as per the award, is found to be true, if additional amount is deposited by acquiring body, the claimants would be further entitled to withdraw 60% of the amount from it.

**ON CA No. 11585 of 2023 for STAY**

Mr. Shelke, learned advocate for applicants submits that the entire amount as per the award passed by Reference Court is deposited by acquiring body. However, said statement is disputed by respondents.

Subject to deliberations as to correctness of calculations, at

present, interim relief as granted, is confirmed. Civil Application is disposed of.

**ON First Appeal No. 1014 of 2024**

Heard.

Admit.

Respective Advocates waive notice.

Print and paper book dispensed with.

**[S.G. CHAPALGAONKAR, J]**

grt/-