



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

CIVIL APPLICATION NO. 10294 OF 2025
IN FAST/28225/2023

Bhiku Rangnath Borade
VERSUS
The Executive Engineer And Ors

Mr.K.R.Doke, Advocate for applicant
Ms.Ashwini S. Hoge Ptil, Advocate for respondent no.1
Mr.S.S.Dande, AGP for respondent nos.2 and 3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Heard Mr Doke, learned counsel for the applicant - claimant
and Ms.Hoge Patil, learned counsel for acquiring body.

2. Feeling aggrieved by the judgment and award dated 20.07.2017, passed by learned C.J.S.D., Bhoom, in common judgment in LAR No.329/2014 and 327/2014, present appeal is filed by the acquiring body. This application is filed by the original claimants/applicants, seeking withdrawal of the amount deposited by the acquiring body.

3. Ms.Ashwini S. Hoge Patil, learned counsel for the acquiring body would submit that the appeal stands on good grounds and the

acquiring body has every hope of success in the appeal. She would submit that the judgment and award is as a result of the exaggerated enhancement, which has taxed the acquiring body irrationally. She, therefore, opposes the application.

4. Mr.Doke, learned counsel for the claimants, submits that the enhancement is properly adjudicated by the reference court and the entitlement of the claimants has been assessed after going through the facts of case. He would submit that only 70% of the award amount is deposited by the acquiring body in this court, that too, with inadequate updated interest since year 2023 to March, 2025. He places reliance on the **order dated 14.11.2024, passed by this court in Civil Application No.12005 of 2024 (Abhimanyu Maruti Pawar and ors. Vs. M.K.V.D.C.L., and ors.) with connected matters**, and submits that in the cited matter, this court has granted withdrawal of the entire amount deposited by the acquiring body. A copy thereof is taken on record and marked as "X" for identification.

5. Upon hearing both sides, I am of the view that today the award stands in favour of the applicants. It is not disputed that their lands have been acquired in compulsory acquisition. It is also not disputed that the acquiring body's interest is already protected, as

they were given opportunity to deposit only 70% of the payable award amount. I have also taken note of the fact that the acquiring body, despite under obligation to pay the updated interest, has not deposited the same.

6. Hence, I pass the following order:-

(i) The application is partly allowed.

(ii) The applicants are permitted to withdraw entire amount deposited by the acquiring body in this court, by furnishing usual undertaking to the satisfaction of learned Registrar (Judicial). The applicant shall furnish solvent surety/security for 25% of such withdrawal to the satisfaction of learned Registrar (Judicial).

In appeal:

7. Learned counsel for the acquiring body undertakes to deposit the balance amount with interest from 2023 to March, 2025, within four weeks from today.

[AJIT B. KADETHANKAR, J.]

KBP