



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

**CIVIL APPLICATION NO. 11291 OF 2025
IN FA/1862/2024**

APSAR CHAND PATEL PATIL

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD

Mr. P.S. Chavan, Advocate for the applicants-claimants.
Mr. S.S. Dande, Advocate for the Acquiring Body.
Ms. Chaitali Choudhari Kutti, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 16.10.2025

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. Heard. This application is filed for withdrawal of amount deposited by the Acquiring Body/appellant in the office of this Court. It is submitted that though this Court had directed to deposit the amount along with interest, interest part is not deposited by the appellant. Prayer is, therefore, made to allow to withdraw the entire amount deposited in this Court.

02. Learned Advocate Mr.Dande opposes this application submitting that the Reference Court in clause-4 of the impugned order has directed the interest under section 34 of the Land Acquisition Act to be paid from 03.03.2005 till 02.03.2006 @ 9% p.a. and thereafter @ 15% p.a. He submits that such interest cannot be awarded and therefore the appeal is preferred. So far as amount of compensation is concerned, he submits that there is no serious dispute. The First Appeal can be disposed off at the stage of admission itself referring the relevant

documents and record & proceeding. At this stage he relies on judgment in the case of **Chandra Roy Vs.The State of West Bengal reported in SCR [2003] Supp.5 page 601** and judgment of this Court [Aurangabad Bench] in the case of **The State of Maharashtra Vs. Jaywantrao Govindrao Garud & Ors.** (F.A. No. 499 of 2016) with connected appeals dated 05.03.2018.

03. Learned Advocate for the applicants further submits that in another LAR No. 196 of 2011 arising out of same project, the learned Reference Court has granted interest under section 28 of the Land Acquisition Act. Against said judgment the appellant has filed appeal wherein 100% amount is deposited. He, therefore, submits that direction to pay interest under section 34 of the Act appears to be a typographical mistake. In-fact, it is under section 28 of the Act. The claimant has also filed application for correction of the order.

04. This Court finds that the said order can be modified here, if this Court is satisfied. There is no need to file separate application for correction.

05. The appeal itself can be disposed off at the stage of admission, on receipt of record and proceeding. However, till then no purpose would be served by keeping the amount lying idle. Therefore, the applicants are permitted to withdraw 75% of the amount along with accrued interest on furnishing usual undertaking. Remaining 25% amount shall be deposited in fixed deposit of any nationalized bank, to be renewed from time to time, till disposal of the appeal.

05. Civil Application for withdrawal amount is accordingly allowed and is disposed off.

FIRST APPEAL

01. The parties are put to notice that the appeal would be taken up for final disposal at the stage of admission.

02. Call for record and proceedings.

03. Stand over to 08.01.2026.

[KISHORE C. SANT, J.]