



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

**916 CIVIL APPLICATION NO. 12680 OF 2025
IN FA/3578/2019**

Yashwant Dhondiba Dhumal And Ors.

VERSUS

The Executive Engineer, Urdhva Pravara Canal Division, Ghulewadi And
Anr.

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Mr. Sartaj H. Pathan h/f Mr. Bhide Vinod Y., Advocate for Applicants
Ms. Ranjana D. Reddy, Advocate for Respondent No.1

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CORAM : NEERAJ P. DHOTE, J.

DATE : 24.12.2025

PER COURT :

1. This is the Application for withdrawal of the amount in disposed off Appeal.
2. The First Appeal No.3578/2019 was disposed of on 12/07/2021. However, no order was passed in respect of withdrawal of the amount deposited by the Acquiring Body and hence, this Application is moved.
3. This Court, by order dated 03/12/2025, called report from the learned Registrar (Judicial) of this Court as to how much amount was deposited by the Acquiring Body in the Appeal.
4. As per the report dated 10/12/2025 received from the Registry, it is placed on record that, in this disposed off Appeal, i.e. First Appeal No.3578/2019, the Acquiring Body has deposited the amount of Rs.55,90,090/-.

5. The copy of the order dated 12/07/2021 shows that, the Appeals preferred by the Acquiring Body were allowed. The operative order, i.e. Paragraph No.5 of the said order, reads as under :

“5. All the appeals are thus, allowed. The impugned award/s, to the extent directing interest under Section 28 of the L. A. Act to be payable from the date of notification, is / are modified directing that interest shall be payable from the date of the award. Rest of the terms of the impugned award to stand unaltered.”

6. The learned Advocate for the Acquiring Body tenders across the bar a copy of communication dated 29/11/2022, with a Chart showing the calculations of the amount. She submits that, the said Chart is already submitted to the Registry. The same is taken on record and marked as ‘**Article-X**’ for identification.

7. The learned Advocate for the Claimants does not dispute the calculations made in the said Chart.

8. The learned Advocate for the Acquiring Body and the learned Advocate for the Claimants are on one page that, out of the said amount deposited by the Acquiring Body, the amount of Rs.5,82,393/- needs to be refunded to the Acquiring Body.

9. The office shall verify the said report and permit the disbursement of the amount as per the said Chart.

10. Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]