IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 CIVIL APPLICATION NO. 14201 OF 2023
IN FA/182/2011

Kamalakar Wamanrao Patil
VERSUS
Godavari Marathwada Irrigation Development Corporation Through Its Executive Engineer Latur And Ors.

WITH
CIVIL APPLICATION NO. 14202 OF 2023
IN FA/184/2011
WITH
CIVIL APPLICATION NO. 14198 OF 2023
IN FA/177/2011
WITH
CIVIL APPLICATION NO. 14197 OF 2023
IN FA/185/2011
WITH
CIVIL APPLICATION NO. 14200 OF 2023
IN FA/180/2011
WITH
CIVIL APPLICATION NO. 14199 OF 2023
IN FA/178/2011
WITH
CIVIL APPLICATION NO. 14196 OF 2023
IN FA/179/2011
WITH
CIVIL APPLICATION NO. 14505 OF 2023
IN FA/183/2011

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Mr. S. G. Jadhavar, Advocate for Applicant.
Smt. Chaitali Chaudhari-Kutti, AGP for Respondent-State.
Mr. S. G. Sangle, Advocate for Respondent Nos. 1 and 2.

CORAM : KISHORE C. SANT, J.

DATE : 8th AUGUST 2025.

PC :-

1. This application is filed seeking modification of order passed by this Court on 10th July 2013. This Court, by the said order, had permitted the applicants to withdraw 50% of the amount deposited by the acquiring body before the Reference Court. The 25% of amount was to be withdrawn unconditionally. Further 25% of amount was to be withdrawn on furnishing bank guarantee of any nationalized/scheduled bank for the like amount. The remaining amount was to be invested in any nationalized bank.

2. This order was subjected to challenge before the Hon'ble Apex Court. The Hon'ble Apex Court modified the order in Civil Appeal Nos.3689-3696/2015. The Hon'ble Apex Court directed to release the 50% of the total deposited amount on giving undertaking. Remaining 50% of the amount was directed to be withdrawn by furnishing

security/surety to the satisfaction of the Collector.

3. The learned Advocate for the applicant submits that, in view of the earlier order, the applicants had given a bank guarantee dated 30th September 2023 of the State Bank of India, for a period from 01st August 2013 till 31st August 2023. Now, in view of order passed by the Hon'ble Apex Court, the said bank guarantee submitted before the Reference Court needs to be discharged. He further submits that, however, the learned Collector is still insisting upon the bank guarantee and, therefore, the applicants are required to approach this Court.

4. Since now the Hon'ble Apex Court has already passed an order, this Court cannot pass any order. It is only clarified that the bank guarantee submitted before the Reference Court stands discharged. Learned Collector shall not insist upon any bank guarantee, and the amount be released by accepting security as per the order passed by the Hon'ble Apex Court.

5. With this, civil applications stand disposed off.

[KISHORE C. SANT, J.]

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