



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 12680 OF 2024
IN COMAP/2/2023

The State Of Maharashtra
Through Its Secretary Public Works Department, Mantralaya
VERSUS

Swastik Realty Pvt Ltd
Thr Its Managing Director Mr Rajendra Laxman Wani

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Mr. V. M. Kagne, AGP for the Applicant State
Mr. S. J. Sing, Advocate for the Respondent

WITH
CIVIL APPLICATION NO. 1701 OF 2025
IN COMAP/2/2023

Swastik Realty Pvt Ltd. ,
Through Its Managing Director Mr. Rajendra Laxman Wani
VERSUS

The State Of Maharashtra, Through The Secretary

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Mr. S. J. Singh, Advocate for Applicant
Mr. V. M. Kagne, AGP for Respondents State

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CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.

DATE : 26th August, 2025

P. C. :

1. Learned AGP informs this court that although belatedly, the condition of depositing 50% of the amount in terms of the order granting stay of the interim decree has been now complied. It is submitted that the order of stay may be confirmed.

2. As regards the application filed by the original respondent i.e. Civil Application No. 1701 of 2025 for withdrawal of the deposited amount, learned AGP seeks short adjournment to file affidavit. The said

request is vehemently opposed by the learned counsel appearing for the original respondent and he submits that the sufficient time was available for the State to have filed its reply affidavit. It is further pointed out that there can be no impediment in permitting withdrawal of 50% amount for the reason that the appellant- State disputed the amount due to the respondent only under two heads i.e. loss of business and overheads. The rest of the amount, being an admitted amount, there can be no impediment in permitting withdrawal.

3. Prima facie, we are impressed with the submission made on behalf of the respondent but, only with a view to grant a last opportunity to the State to file its reply affidavit, list this application on 10th September, 2025 in the urgent orders category. All pending civil application shall be listed.

4. Reply affidavit to the application would be filed in the meanwhile. No further time shall be granted.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan