

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 5098 OF 2025
IN
EXECUTION APPLICATION NO. 811 OF 2013

MR.ASHOK RUNGTA)...APPLICANT
[CLAIMANT NO.iv(b)]

IN THE MATTER OF
LAND ACQUISITION OFFICER)...APPLICANT

V/s.

PURSHOTTAM M. RUNGTA, CONSTITUTED)
ATTORNEY FOR RADHAKISHAN BRIJLAL)
RUNGTA (DELETED))
MR.NARENDRA RADHAKISHAN RUNGTA)
AND OTHERS)...CLAIMANTS

AND
THE UNION OF INDIA)...ACQUIRING BODY

Ms.Gulnar Mistry a/w. Ms.Khushnumah Banerjee i/by Vidhii Partners,
Advocate for the Applicants / Decree Holders.

Mr.Ram Apte, Senior Advocate a/w. Mr.Bharat Mehta and Mr.Devang
Parmar, Advocate for the Respondent – Land Acquisition Officer -UOI.

Mr.Amar Mishra, AGP for the State of Maharashtra.

CORAM : ABHAY AHUJA, J.

DATE : 14th OCTOBER 2025

PC. :

1. This Interim Application seeks to withdraw the amount deposited
in this Court by the Acquiring body on 3rd February 2025.

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2. Ms.Gulnar Mistry, learned Counsel, appears for the Applicants and submits that the money is being permitted to be received by the Advocates on record for the Applicants in order to facilitate a seamless and streamlined disbursement.

3. Mr.Apte, learned Senior Counsel, appearing for the Respondent Union of India, submits that the *modus* submitted in the application may result in injustice, in as much as, there are several Applicants and there are also *inter se* disputes between the Applicants, which is disputed by the learned Counsel for the Applicants. The other objection that Mr.Apte, learned Senior Counsel, has raised, is that all the payments that will have to made, will have to be made subject to TDS. Mr.Apte submits that this Court may consider the aforesaid and permit the payments without prejudice to the rights and contentions of the Respondents - Union of India and the State of Maharashtra.

4. Ms.Mistry submits that there is no TDS leviable on payments made for compensation in land acquisition and submits that there are judgments of this Court in support.

5. Having heard the learned Counsel and the learned Senior Counsel in the matter and having considered their submissions, the following order is passed :

ORDER

- (i) The Claimants are permitted to approach the Prothonotary & Senior Master of this Court for seeking withdrawal of the amounts due to them and the learned Prothonotary & Senior Master to disburse the said amounts, subject to the usual undertakings and statutory deductions, if any, applicable in law, after due verification and intimation to the Union of India and the State of Maharashtra.
- (ii) The aforesaid is without prejudice to the rights and contentions of the Respondents which include the Union of India and the State of Maharashtra.
- (iii) Registry to accept the reply.

6. The Interim Application, accordingly, stands allowed and disposed as above.

(ABHAY AHUJA, J.)