IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 CIVIL APPLICATION NO. 1696 OF 2026
IN FAST/17256/2024
DIPAK DIGAMBER PANDE
VERSUS
THE CIDCO

WITH CIVIL APPLICATION NO. 8364 OF 2024
IN FAST/17256/2024 WITH
CIVIL APPLICATION NO. 8365 OF 2024
IN FAST/17256/2024

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Advocate for Applicant : Mr. Shaikh Mujtaba Gulam Mustafa.
AGP for Respondent/s-State : Mr. N. D. Raje.
Advocate for Respondent No.1 : Mr. Shambhuraje V. Deshmukh.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 11.02.2026

PER COURT :-

1. Heard both sides.

2. Applicants seek to withdraw amount of Rs.1,47,83,264/-. It is submitted that under the self-same award and acquisition process on earlier occasion, the claimants were permitted to withdraw the amount and for that purpose reliance is placed on order dated 05.04.2024 passed in First Appeal No.397 of 2024.

3. Learned counsel for the acquiring body opposes the application. It is submitted that exorbitant rent is awarded by

the Reference Court. The acquiring body has every hope of success and if the amount is disbursed, it will be difficult to secure the amount.

4. In the present matter, the acquiring body has deposited only 70% amount out of the total compensation in pursuance of the orders passed by this Court. It means 30% amount is still with the acquiring body which is said to be secured. In the matter upon which reliance is placed, 75% amount was deposited by the acquiring body and out of that 75% amount was permitted to be withdrawn on certain conditions. In the case at hand, the deposits are to the extent of 70% only. Therefore, I pass following order :

ORDER

(i) Civil application for withdrawal of amount is allowed partly.

(ii) The applicant shall be permitted to receive 70% of the deposited amount with accrued interest in furnishing undertaking and balance 30% amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial).

Civil Application for Delay

5. Applicant/acquiring body seeks to condone delay of 70 days in preferring first appeal.

6. For the reasons stated in the application, delay stands condone. Civil application for delay is allowed.

First Appeal

7. **Admit**.

8. Learned AGP waives service of notice for respondent/State. Learned counsel Mr. Shaikh Mujtaba waives service of notice for respondents/claimants.

9. Call for Record and Proceedings from the concerned Court.

10. Print is dispensed with.

Civil Application for Stay

11. Civil application for stay is disposed of as the interim relief shall stand confirm.

(SHAILESH P. BRAHME, J.)

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vmk/-