

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No(s).1282/2020
(@ SLP (C.)Nos. 30211/2019)**

SATYANARAYAN

Appellant(s)

VERSUS

**MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
THROUGH DIVISIONAL OFFICER & ANR.**

Respondent(s)

O R D E R

Leave granted.

This appeal by special leave arises out of the Final Order dated 21.2.2019 passed by the High Court of Judicature at Bombay, bench at Aurangabad in Civil Application No.2523 of 2017 in First Appeal No.2216 of 2016.

On 24.06.2016, the High Court had passed the following order in said First Appeal No.2216 of 2016, :

“(2) Considering the order passed by this Court in identical matters, we direct as follows:

a] The applicant shall be permitted to withdraw 25% of the amount out of the total amount deposited on furnishing personal undertaking to this Court that in the event of success of appeal, he will refund the amount within a period of one month from the date of issuance of such order.

b] The applicant is permitted to withdraw further sum of 25% deposited, on furnishing solvent surety in the like amount.

c] The applicant is permitted to withdraw further sum of 25% out of the amount deposited on furnishing bank guarantee of a Scheduled Bank or

Nationalized Bank in the like amount.

d] Balance 25% amount out of the total amount deposited by the acquiring body in this Court shall be invested in fixed deposit receipts initially for a period of three years and the fixed deposit receipts be renewed thereafter until disposal of appeal.”

3. Civil application stands disposed of accordingly.”

Thereafter, an application for modification was preferred by the appellant. Reliance was placed on a series of orders passed by this Court in other matters to submit that the entire amount as directed by the Reference Court be deposited in Court and out of the deposited sum, half of the amount be allowed to be withdrawn without furnishing any security while rest half of the amount be allowed to be withdrawn after furnishing security.

Said application was disposed of by the High Court by its order dated 21.02.2019, with following observations:

“Heard both sides. Though the application is filed for granting permission to release the remaining amount out of 25% amount of enhanced compensation, when this Court expressed that after considering all the aspects this Court has made the order dated 24.06.2016, the learned counsel for the applicant submitted that the applicant is not in a position to give solvent surety in respect of 25% of the amount deposited in the Court as per the order made on 24.06.2016. He submits that it is possible for the applicant to give bank guarantee of this amount also.

2. So, the application is allowed to that extent and permission is given to the applicant to give bank guarantee of any Nationalized or Scheduled Bank in respect of 25% of the amount mentioned in para 2(b) of the order dated 24.06.2016.”

It thus emerges that half of the sum directed by the Reference Court has already been withdrawn by the present appellant (i.e. 1/4th without security and 1/4th after furnishing security).

Mr. Dhruv Mehta, learned Senior Advocate for the respondent fairly submits that in cases of land-holders from the same acquisition, half of the enhanced compensation was directed to be released without security and the balance 50% was directed to be released on furnishing of security. The orders passed in Civil Appeal Nos.1348 of 2018 and 8931 of 2019

bear testimony to that effect.

Relying on the aforesaid orders, we pass similar direction and direct that from and out of the money deposited in the Registry of the Reference Court, half of the sum be allowed to be withdrawn by the appellant without furnishing security while the rest be permitted to be withdrawn after furnishing security.

It appears that 50% of the deposited sum has already been withdrawn by the appellant [25% on furnishing security while the rest 25% without furnishing security]. The same modality and quotient shall be applied with respect to 50% of the balance sum which is now being permitted to be withdrawn. In other words, as regards the balance sum, half of the balance sum will be allowed to be withdrawn on furnishing security to the satisfaction of the Court while the other half of the balance sum is allowed to be withdrawn without furnishing security.

With aforesaid observations, the appeal is allowed. No costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

New Delhi
February 7, 2020

ITEM NO.48

COURT NO.6

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 30211/2019

(Arising out of impugned final judgment and order dated 21-02-2019 in CA No. 2523/2017 passed by the High Court Of Judicature At Bombay At Aurangabad)

SATYANARAYAN

Petitioner(s)

VERSUS

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
THROUGH DIVISIONAL OFFICER & ANR.

Respondent(s)

(IA No. 178564/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)	Mr. Shashibhushan P. Adgaonkar, AOR Mr. Gagandeep Sharma, Adv. Ms. Pradnya S, Adgdoankar, Adv. Mr. Rana Sandeep Bussa, Adv.
For Respondent(s)	Mr. Dhruv Mehta, Sr. Adv. Mr. Guruprasad Pal, Adv. Ms. Shyamali Gadre, Adv. Mr. Soumik Ghosal, AOR Mr. Gaurav Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order

Pending applications, if any, also stands disposed of.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)