

ORDER BELOW EXH.1 IN CIVIL MISC.APPLN.NO.01/2018

Perused application, say Exh.10 and Report of Asstt., Supdt. (C&F). By this application, applicants are praying amount of Rs.1,96,014/- deposited on 04/12/2017 vide "C" No. 294 on the ground that, they had filed LAR No.43/1994 u/sec.18 for enhancement for compensation amount which was allowed on 09/02/2017 wherein rate of Rs.20/-psm., was granted alongwith statutory benefits. In view of the Judgment/award the above amount was deposited.

2. DGP Pawar by filing say Exh.10 and admitted deposit of amount and even fairly conceded that, if the amount is to be given to the applicant, in that event affidavit and bond be obtained before disbursing the amount.

3. This Court had passed judgment in LAR No.43/1994 wherein rate of Rs.20/-psm., was granted alongwith statutory benefits. It seems that, in compliance of the said judgment an amount of Rs. 1,96,014/- deposited on 04/12/2017 vide "C" No. 294 was deposited. Even Asst. Supdt. (C & F) in his report dated 07/02/2011 informed about the deposit of amount and depositing the amount in fixed deposit vide "D" No.103 dated 19/01/2018 with Punjab National Bank, branch Alibag. No any appeal seems to have been preferred by the State nor any objection to that effect is taken in say Exh.10.

4. Notification is dated 20/09/1990 whereas Rs.20/-psm., was granted as enhanced rate of compensation. As discussed above defence of filing appeal is also not taken by State. Considering the number of years passed in deciding the reference, denial of the amount will further cause harassment and denial of the right. However, I am of the view that, disbursing the entire

amount will not be proper, in case appeal is filed by State. Therefore, by allowing to withdraw 75% i.e Rs.1,47,014/- by executing affidavit and bond and the remaining 25% amount i.e Rs.49,000/- be kept as bank guarantee which will safeguard the interest of the State. Hence, I proceed to pass following order.

ORDER

1. Application stand partly allowed as under.
2. An amount of Rs.1,47,014/- be given to applicants on executing affidavit and bond and for the remaining amount of Rs.49,000/- bank guarantee of Nationalized Bank be given.

Alibag
Dt. 11/04/2018

(N.B.Lavte)
Jt. Civil Judge S.D. Alibag