

**ORDER BELOW EXH.1 IN MISC. APPLICATION NO.632 OF 2025  
IN MACP NO.3035 OF 2005**

1. There were in all four claimants in MACP No.3035 of 2005. Claimants No.3 and 4 were minor when the claim was filed. BEST Undertaking was the Opposite party. This application is preferred by the Advocate for the Opposite party for allowing the Opposite party to withdraw Rs.2,00,000/- alongwith statutory deposit Rs.25,000/- by recalling the same.

2. It is contended that the then Tribunal awarded compensation of Rs.31,73,150/- to the claimants @7.5% per annum. Opposite party First Appeal No.400 of 2016 before the Hon'ble High Court against the said judgment and also deposited the amount under protest.

3. In the First Appeal, parties arrived at settlement and filed consent terms in the Lok-Adalat dt. 22.03.2025 before the Hon'ble High Court being full and final settlement. Accordingly, an amount of Rs.2,00,000/- was to be refunded to the Opposite party alongwith the statutory deposit Rs.25,000/-. In this background, the BEST prayed to allow this application.

4. It is necessary to note that the BEST is an undertaking and represented themselves through their Manager while defending MACP No.3035 of 2005. However, the present application is not preferred by any Manager but signed by S.K. Legal Ass LLP which is not proper. Merely an affidavit of Vikram Sitaram Chavan, Inspector with BEST Undertaking was filed.

5. The amount being directed to be withdrawn cannot be directed in the account of S.K. Legal Ass LLP though the application (Exh.1) is signed by the said Legal Firm.

6. Exh.2 is an affidavit of Vikram Sitaram Chavan, Inspector with BEST Undertaking stating and reiterating the same as pleaded in the application (Exh.1). Exh.3 is the Appointment Letter - Vakalatnama in the name of S.K. Legal Ass LLP. Exh.4 is the Address Memo of BEST. It appears that Mr. Vikram Sitaram Chavan is authorized by the BEST Undertaking vide the copy of Letter of Authority dt. 28.07.2021.

7. Report of Accounts Officer indicates that an amount of Rs.49,25,487/- had been deposited by the BEST on 25.07.2013 which was invested in the name of MACT in Oriental Bank of Commerce, Fort Branch, Mumbai. Thereafter, excluding Rs.2,00,000/-, the balance sum Rs.38,52,828/- was recalled on 19.12.2025 and paid to the applicants on 05.01.2026. The balance amount of Rs.2,00,000/- has been reinvested in the Bank. Also, the Hon'ble High Court has transferred amount of Rs.25,771/- which was also invested in the same Bank.

8. Careful perusal of the copy of consent terms dt. 10.02.2018 and the Order dt. 10.02.2018 passed by the Hon'ble High Court indicates that the BEST is entitled to withdraw Rs.2,00,000/- with the statutory deposit of Rs.25,000/- alongwith interest accrued on both these accounts. Hence, following order is passed:

## ORDER

1. The Misc. Application No.632 of 2025 is allowed.
2. An amount of Rs.2,00,000/- with the interest accrued thereon as well as the statutory deposit of Rs.25,000/- alongwith the interest accrued thereon be recalled and further transferred in the official account of BEST Undertaking on their providing the Bank details.
3. In no case, the **amount shall be transferred in the account of S.K. Legal Ass LLP, Advocate for the Opposite party as well as Mr. Vikram Sitaram Chavan**, who filed affidavit (Exh.2).

Date : 12.03.2026

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**(M.G. Deshpande)**  
Member, C.R. 2  
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