

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4774/2015

Agricultural Produce Market Committee, Samudrapur, District Wardha, through
its Secretary

...Versus...

State Bank of India, Samudrapur Branch, Samudrapur, Distt. Wardha through its
Branch Manager, Samudrapur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Anjan De, Advocate for petitioner

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 19.08.2015

Heard.

It appears on hearing the learned Counsel for the petitioner and on a perusal of the documents annexed to the same that there is a serious dispute in respect of the completion of the work in terms of the contract between the petitioner – Market Committee and the NBARD through the State Bank of India, Samudrapur Branch. It appears that according to the State Bank of India, the construction – unit was completed by the petitioner – Market Committee after 36 months from the date of disbursement of the loan, whereas according to the petitioner – Committee it was completed within the time prescribed. The

petitioner has found fault in the inspection report and has sought fresh inspection. Several disputed questions of facts arise for determination in this writ petition. Also, it appears that the matter relates to the breach of the terms of the contract between the petitioner and the respondents.

Since we are not inclined to entertain the writ petition in view of the involvement of several disputed questions of facts, Shri Anjan De, the learned Counsel for the petitioner seeks permission to withdraw the writ petition by keeping the points open.

In the circumstances of the case, we permit the petitioner to withdraw the writ petition. The writ petition is disposed of as withdrawn. The points raised in the petition are kept open.

JUDGE

JUDGE