

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2099 OF 2016

M/s.D.S.Prajapati	.. Petitioner
Vs.	
The Chief Engineer (Sewerage Operation) Municipal Corporation of Greater Mumbai and ors.	.. Respondents

WITH
WRIT PETITION NO. 2104 OF 2016

M/s.Aqsa Enterprises	.. Petitioner
Vs.	
The Chief Engineer (Sewerage Operation) Municipal Corporation of Greater Mumbai and ors.	.. Respondents

WITH
WRIT PETITION NO. 2114 OF 2016

M/s.Aftab Traders	.. Petitioner
Vs.	
The Chief Engineer (Sewerage Operation) Municipal Corporation of Greater Mumbai and ors.	.. Respondents

Mr.Girish Godbole i/b Mr.Dinesh Tiwari, for the Petitioners.
Mr.J.Reis, Senior Counsel a/w Ms.K.H. Mastakar, for BMC.

**CORAM : NARESH H. PATIL AND
M.S.KARNIK, JJ.**

02nd DECEMBER, 2016

P.C. :

. It is submitted by the learned Counsel appearing for the petitioners that the petitioners are aggrieved by the communication made on 23/09/2015 by the Corporation. The petitioners carried out work under the 'work order' issued to them. The Corporation denied payment towards other works carried out by the petitioners on the ground that they were proposing to initiate enquiry regarding 'blacklisting' them. By an order dated 25/10/2016, a statement was made on behalf of the Corporation that proceedings for blacklisting of the petitioners would be concluded within 5 weeks. So far the enquiry has not been completed.

2. It is more than one year, the Corporation has taken for arriving at conclusion regarding alleged involvement of the petitioners or taking decision for blacklisting them.

3. The learned Senior Counsel for the Corporation seeks 3 months further time and also submits that the Corporation will hold enquiry regarding not only role played by the petitioners but also of its own employees which would take sufficiently long time.

4. The grievance of the petitioner is that payment to be made to the petitioner is withheld as the Corporation is contemplating enquiry against the petitioner. We would not interfere in respect of the petitioner's monetary claim against work done under some other work orders. It is clarified that we are restricting the petitioner's prayer and claim to the extent that the enquiry which the Corporation had initiated against the petitioners shall be completed at the earliest.

5. We therefore, direct the Corporation that independently issue relating to the petitioners's alleged involvement shall be dealt. The issue relating to alleged involvement of the Corporation employees need not be clubbed

with the petitioners' enquiry.

7. We direct the Corporation to complete the enquiry initiated against the petitioners within 6 weeks from today on its own merit. The Corporation shall adhere to the principles of natural justice to the extent required in the facts of the case. All issues are kept open. All rights and contentions of the contesting parties are to be kept open. It is clarified that we have not expressed any opinion on merits of the claim and counter claim of the parties.

8. We direct the Deputy Municipal Commissioner (Engineering) of the Corporation to comply with the orders passed by this Court within stipulated time period as stated above.

9. Writ Petitions are disposed of.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)