

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

Civil Application (W) No.391/2016
in
Writ Petition No.1712/2014
(M/s Chadalavada Infratech Ltd. .vs. Vice Chairman and Managing
Director, Mah. Airport Development Company Ltd. And another.)

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

Court's or Judge's orders.

Mr. S.G. Jagtap, Advocate for Petitioner.

Mr. R.M. Bhangde, Advocate for Respondent Nos. 1 & 2.

CORAM : B.R. Gavai & Prasanna B. Varale, JJ.
DATED : April 01, 2016.

1. The present petition has a chequered history. The petition came up for hearing before the Division Bench to which one of us (B.R. Gavai, J.) was a party. On the said date, we had passed the order which reads thus:-

*"In view of the judgment of the Hon'ble Apex Court in **Rajasthan State Industrial Development and Investment Corporation & Anr. v. Damond & Gem Development Corporation Ltd. & anr.** reported in **(2013) 5 SCC 470**, we are not inclined to entertain this petition. Petition rejected.*

The petitioner, if so desires, may take recourse to the remedy available to him under law."

2. The said order was appealed before the Hon'ble Supreme Court and the Hon'ble Supreme Court passed the following order on 23.09.14:-

"In the result, the special leave petition is disposed of. The order passed by the High court is set aside and the matter is remitted to the same Division Bench of the High Court to be disposed of, in accordance with law.

3. On remand since the Hon'ble Supreme Court had directed the matter to be placed before the same Bench and since Justice S.B. Shukre was not available at Nagpur, the matter was heard by our Bench. In pursuance to the directions issued by the Hon'ble Supreme Court, we were willing to hear the petition on merits. However, the suggestion was given by the petitioner that if they are granted four months' time to complete the work, they shall complete the same within the said period. Mr. Bhangde, learned counsel appearing on behalf of respondent nos. 1 and 2 had also fairly agreed to the said proposal with a rider that the petitioner should file an undertaking that the work would be completed within a period of four months' from the said date.

4. Accordingly the petitioner had filed an undertaking on an affidavit through its Director and authorized signatory stating therein that the remaining balance work under the agreement dated 29.04.2010 shall be completed within a period of four months from today.

5. Accepting the said undertaking, we had issued certain directions and disposed of the petition vide our order dated 14.10.2015.

6. Now the present application is filed for extension of the period. In the application a blame is

sought to be put on the respondents that on account of their non-cooperation, the work could not be completed. On the other hand it is sought to be submitted on behalf of the respondents that it is the petitioner who is not interested in doing the work and the petitioner is not taking any steps for completion of work.

7. We do not propose to go into those disputed questions of fact. When an undertaking was given to this Court, the same ought to have been complied with.

8. In that view of the matter, we are not inclined to entertain the present application. The application is rejected.

JUDGE

JUDGE