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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6583 OF 2016

Ahmednagar Municipal Corporation, Ahmednagar PETITIONER
Through its Commissioner

VERSUS

Gangabai Industries and Construction Ltd., RESPONDENT
KETI Constructions Ltd.,
Tapadiya Terrance, 2nd Floor, Adalat Road
Aurangabad

.....
Mr. Vinayak Sudhakar Bedre, Advocate for the petitioner
Mr. V.D.Hon, Senior Advocate i/b Mr. S.B. Kakade, for respondent
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 23rd AUGUST, 2017

ORAL ORDER :

1. Heard Mr. Bedre, learned advocate appearing on behalf of the petitioner and Mr. Hon, learned senior advocate for the respondent.
2. After hearing learned advocates, the position emerges that a dispute had arisen in respect of work done by the respondent and matter had been before division bench of this court, wherein vigilance committee of Nashik Public Works Department (Quality Control Circle), Nashik had been appointed, which has submitted report.

3. Payment made to the respondent in respect of the work done is claimed to be discrepant and short and is said that it would emerge from the report submitted by aforesaid vigilance committee. It is being referred to that measurement book maintained by the petitioner - Corporation does not contain entire work done by the respondent – contractor. The petitioner - corporation is reluctant/hesitant to pay to the respondent to pay for work done. In the circumstance, it appears order has been passed upon application Exhibit-97 in Special Civil Suit No. 114 of 2013 as contained in para 7 thereof.

4. Learned advocates for the parties on instructions, submit, now reconcile and resile to the order and jointly suggest, the Principal, Government Engineering College, Aurangabad be requested to carry out verification pursuant to order dated 8th March, 2016 on Exhibit-97.

5. As such, writ petition is being disposed of with a request to Principal, Government Engineering College, Aurangabad to carry out verification pursuant to order passed by learned 4th joint civil judge, senior division, Ahmednagar on application Exhibit-97 in special civil suit no. 114 of 2013 dated 8th March, 2016. The Principal, Government Engineering College, Aurangabad is

further being requested to make it convenient to submit report before trial court within a period of four weeks from the date of receipt of this order. Both the parties shall deposit Rs.25,000/- each in the trial court for disbursal of verification fees to the Principal, Government Engineering College, Aurangabad. Record and proceedings be sent back immediately.

[SUNIL P. DESHMUKH, J.]

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