

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1008 OF 2017

M/s V. M. Matere Infrastructures India
Pvt. Ltd. Through its Director
V. M. Matere .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mrs. Charuta S. Deshmukh, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1, 7 to 10.
Shri D. P. Bakshi, Advocate for Respondent Nos. 2 to 6.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND FEBRUARY, 2018.

FINAL ORDER :

. The petitioner assails the communication dated 31.12.2016. Under the said communication the Executive Engineer had directed recovery of the amount allegedly due from the petitioner.

2. Under the tender condition, if any dispute arose between the parties, the same was required to be referred to the Member Technical. The petitioner had approached the Member Technical. Subsequently, it transpired that the post of Member Technical was abolished. As such the matter was referred to the

Director Technical. This Court also under order dated 15.06.2016 and 18.11.2016 in Writ Petition No. 359 of 2016 had directed the same to be decided.

3. It is not disputed that, the Director Technical has given his verdict and had observed that, withdrawal of work pursuant to Clause 3(c) of the Tender is not proper.

4. Considering the above, the impugned communication now would not survive.

5. In the light of the above, the impugned communication is quashed and set aside. In case the respondents have any other remedy, after the order of Director Technical is passed, the respondents are entitled to prosecute the same. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]