

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

925 WRIT PETITION NO. 5234 OF 2017

**SANGAMNER LONI INFRASTRUCTURE PVT LTD THROUGH ITS
MANAGING DIRECTOR MOHAMMAD ISRAIL**

VERSUS

**THE GOVERNOR OF MAHARASHTRA THROUGH ITS EXECUTIVE
ENGINEER AND OTHERS**

...

**Advocate for Petitioner : Mr. Anand Deshpande h/f Mr.
Bhadgaonkar Umesh A.**

AGP for Respondents 2 and 3 : Mr. S.Y.Mahajan

....

CORAM : PRASANNA B. VARALE

AND

SUNIL K. KOTWAL, JJ.

DATE : NOVEMBER 1, 2018

O R D E R :

At the out set, learned counsel Shri Deshpande seeks to amend the petition. Learned counsel submits that in the title clause of the petition, respondent no.3 is one of the respondents, namely the Executive Engineer, Public Works Division, Sangamner, District Ahmednagar, but as the petitioner has submitted representation to the Chief Engineer, Public Works

Department, Government of Maharashtra, Nashik and the petitioner is requesting this Court for issuing directions to the State authority to decide the representation, the petitioner be permitted to add the Chief Engineer, Public Works Department, Nashik as party respondent to the petition. The prayer, being formal and not causing any prejudice to the respondents, is allowed, Consequential amendment be carried out forthwith.

2. Heard Mr. Deshpande, learned counsel appearing along with Mr. Bhadgaonkar, learned counsel for the petitioner and learned AGP for the respondents including the added respondent.

3. Learned counsel fairly submitted before us that though the petitioner by way of prayer clause 'B' prayed for directions to the respondent authorities to pay compensation amount as claimed towards taking over of BOT Project namely

"Improvement to Sangamner-Loni-Kolhar Road, on BOT basis S.H. 44 KM No. 89/330 to 118/600 and S.JH. 45 KM No. 41/200 to 48/700 (36 KM)", the petitioner has already submitted his claim to the competent authority, such as the Chief Engineer, Public Works Department, Government of Maharashtra by way of representation, dated 19.2.2016.

4. Our attention was drawn to the copy of the said representation placed on record as Annexure 'G'. Learned counsel for the petitioner submits that if directions are issued to the competent authority, before whom the representation is submitted, to decide the same, within a stipulated period, the purpose of approaching this Court would be served.

5. Learned counsel submitted that in identical situation, the Division Bench of this Court, by order, dated 22.3.2017 disposed of the petition, with direction to the authority to decide the claim of

petitioner within stipulated period.

6. Mr. Deshpande, learned counsel then invited our attention to a statement made in the affidavit-in-reply filed on behalf of the Executive Engineer, Public Works Division on 11.6.2018. It is stated in the affidavit-in-reply that by complying the necessary formalities including the consultations at all levels, the petitioner shall be paid the amount in due course of time.

7. Learned counsel was justified in making submission that the direction to the authority would serve the purpose of approaching this Court by the petitioner and he was also justified in placing reliance on the order, dated 22.3.2017.

8. Learned counsel Mr. Deshpande further submits that as an abundant caution the petitioner may be permitted to submit fresh representation to

the Secretary, Public Works Department on the similar lines of the representation, dated 19.2.2016 submitted to the Chief Engineer. Mr. Deshpande, learned counsel then submits that such representation would be submitted to respondent no.2 within a period of one week from today.

9. Resultantly, in our opinion, the petition can be disposed of by issuing directions to added respondent no.4 Chief Engineer, Public Works Department, Government of Maharashtra, Nashik, to decide the claim of the petitioner, as expeditiously as possible and not later than four months from the date of order of this Court. If representation is submitted to respondent no.2, respondent no.2 shall decide the representation within eight weeks from the date of receipt of the representation. Needless to state that the authority shall take decision on merits of the representations.

10. With the above directions, the petition is disposed of.

[SUNIL K. KOTWAL, J.] [PRASANNA B.VARALE, J.]

dbm