

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

**APEAL FROM ORDER NO. 62 OF 2017
WITH
CA/14521/2017 IN AO/62/2017**

M/S ELLORA CONSTRUCTION PVT LTD THROUGH ITS
MANAGINGDIRECTOR SALEEM AHMED KHAN,
AURANGABAD
VERSUS
CITY AND INDUSTRIAL DEVELOPMENT OF
CORPORATION OF MAHARASHTRA LTD. THROUGH
ITS CHIEF ENGINEER AND ANOTHER.

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Advocate for Petitioner : Mr. Ranbir L. Chhabda
Advocate for Respondents : Mr A.S. Bajaj

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CORAM : S.S. SHINDE & V.K. JADHAV, JJ.
Dated: July 24, 2018

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PER COURT :-

1. Heard learned counsel appearing for the appellant and learned counsel appearing for respective respondents.

2. Learned counsel appearing for the appellant submits that respondent no.1/CIDCO time to time revised the drawing plans, however, those were not given to the appellant in time. As a result, there was delay in carrying out the work. He further submits that due to

delay on the part of the respondent/CIDCO, cost of the project has been increased, and ultimately the appellant would be sufferer, in case appellant is not allowed to carry out further construction. It is submitted that the appellant prayed before the trial court to allow him to continue with the work, however, the concerned Court without appreciating the said contentions raised by the appellant rejected the prayer.

3. We have carefully perused the reasons assigned in the impugned judgment and in particular in paragraph no.23 and 24 and we are of the opinion that said reasons are in consonance with the material placed on record and also keeping in view hardship, the balance of convenience and irreparable loss. It is observed that in case the application of the appellant is allowed, it will cause irreparable loss to the public at large. We do not wish to elaborate the reasons, when the suit filed by the appellant is pending for consideration. In the light of above, appeal from order stands dismissed. Consequently pending civil application stands disposed of.

4. Needless to observe that the observations made herein above are prima facie in nature and confined to the adjudication of the present appeal from order.

(V.K. JADHAV, J.)

(S.S. SHINDE, J.)

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