

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

WRIT PETITION NO.6856 OF 2017

[M/s. Aarti Infra Projects Pvt. Ltd. .vs. Maharashtra State Electricity Distribution Company Limited
and one]

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

Court's or Judge's orders

Shri A.R. Agrawal, Advocate for Petitioner.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : MARCH 01, 2018.

By this writ petition, the petitioner seeks a direction against the respondent no.1-MSEDCL not to encash the bank guarantee furnished by the respondent no.2 on behalf of the petitioner. The petitioner has also challenged the order of the respondent no.1 informing the petitioner that the shortfall of Rs. Rs.2.30 Crores would be recovered by encashing the bank guarantee amounting to Rs.2.86 Crores.

Shri Agrawal, the learned counsel for the petitioner, states that during the pendency of the writ petition certain representations made by the petitioner are favourably considered and the grievance would survive partially.

We are not inclined to entertain the writ petition and consider granting the prayer made by the petitioner in exercise of the writ jurisdiction. The matter arises from a contract that was awarded to the petitioner for work in Allapalli Divisions in Gadchiroli circle of Chandrapur Zone, as per the terms and conditions of Tender No.T-96. It appears that there is some dispute between the petitioner and the MSEDCL and the work could not be completed by the petitioner due to the alleged

stoppage of the same by the Naxalites in Gadchiroli area. It appears from the communications exchanged between the parties that disputes in regard to the completion of the work and the recovery of the amount. The parties would be governed by the tender conditions and the contract entered between them. The petitioner would be free to avail the alternate remedy, if so advised.

The writ petition is dismissed with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

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