

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

75 WRIT PETITION NO.5277 OF 2019

M/S JAIHIND CONSTRUCTION THROUGH PROPRIETOR
..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. S. R. Choukidar, Advocate for the Petitioner.
Mrs. G. L. Deshpande, AGP for Respondents-State.

...
**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 10th DECEMBER, 2019.

PER COURT:-

1. On 06.06.2019 we had issued notice to respondents. While issuing notice we had made it clear that only if the amount claimed by the petitioner is admitted by the respondents, then only we would entertain the petition.

2. Affidavit is filed by respondents. Paragraph Nos.4 and 5 of the affidavit reads thus:

4. I say and submit that, as per work order No.1012/16 Dt.18.03.2016 para's "7" & As per tender condition it is clearly stated that No additional compensation will be given to contractor for delay in payment due to inadequate budget provision. Hence, claim of petitioner is totally false.

5. I say and submit that, the work of Sr.No.3 Tendered cost as Rs.102.20 lacks & value of work done Rs.143.10 lacks. Excess

value of work done not approved by competent authority. Hence payment of excess work is with held after approval of same with held payment of petitioner will be released.

3. It is submitted that, proposal is submitted for approval to the authority in August 2019.

4. In case, such proposal is pending with authority, then authority would take decision upon the said proposal (Page No.143) preferably within a period of six months.

5. Pursuant to the decision taken, the parties may take appropriate steps.

6. Writ Petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE