

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

94 WRIT PETITION NO.6754 OF 2019

MIRZA JAMEEL BAIG

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.. Respondents

...

Advocate for Petitioner : Shri Anant R Devakate

AGP for Respondents No.1 to 5 : Shri S.P. Tiwari

...

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

DATE : NOVEMBER 19, 2019

PER COURT : -

1. We have heard the learned counsel for the petitioner and the learned AGP for the respondents. The affidavit-in-reply is filed by the Sub-Divisional Engineer, PWD, Vaijapur. Para nos.4 & 5 of the affidavit-in-reply read thus:

“4. I say and submit that, as per the work order issued in favour of the petitioner dated 27/9/2012 the petitioner has completed the said work and final bill for payment of Rs.14,44,195/- is raised. I say and submit that, the work for construction of Boys and Girls Hostel, renovation of parking shed and building innovation at Vaijapur is sanctioned by the Government and it is implemented through the Social Welfare Department. Accordingly, the work order was issued and the petitioner has also completed the said work. Upon completion of said work the Public Works Department has made the payment to the concern contractor as the sanctioned amount was deposited by the Social Welfare Department with the Public Works Department. As far as the work regarding construction of Cycle Stand in parking shed and laying Paver block under the said shed

at Government Hostel premises, Vaijapur is concerned, the petitioner was allotted the said tender and he has completed the said work. However, the amount towards the said work is not received to the Public Works Department from the Social Welfare Department and therefore, the amount of Rs.14.44 lakh could not be paid to the petitioner.

5. I say and submit that, the respondent no.4 Executive Engineer, Public Works Department (W), Aurangabad vide its letter dated 10/5/2019 requested to the Divisional Deputy Commissioner, Social Welfare Department, Aurangabad to provide the remaining outstanding amount towards completion of renovation and repairing of Government hostel at Vaijapur. I say and submit that, the total amount of Rs.26.5 is outstanding by different contractors. The Divisional Deputy Commissioner is requested by the respondent no.4 to provide the said funds so that the payment of contractors would be made.”

2. As the amount payable to the petitioner is not disputed, on the contrary it is submitted that the demand is made to the Social Welfare Department, we are passing the following order.

ORDER

(i) The respondents shall make payment to the petitioner of the work done by the petitioner i.e. Rs.14,44,195/-, preferably within four months.

(ii) Writ petition is disposed of. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE