

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMP) NO.8583 OF 2019
IN
WRIT PETITION NO.10662 OF 2017

Mitrashi Projects Pvt. Ltd. & Anr.Review Petitioners
V/S
State of Maharashtra & Ors.Respondents

Mr. A.V. Anturkar, Senior Advocate i/b Mr. Ajay S. Patil for the Review
Petitioners.
Mr. N.C. Walimbe, AGP for Respondent No.1/State.
Mr. Sandeep V. Marne for Respondent Nos.2 and 3.

**CORAM : A.A. SAYED &
R.I. CHAGLA, JJ.**
DATE : 16 APRIL 2019

ORDER:

1 Learned Senior Counsel for the Petitioners submits that though in the
impugned order dated 6 December 2017 it has been recorded that the
Respondent Corporation has abandoned the project based on the
statement made in Affidavit-in-Reply of the Respondent Corporation in the
Writ Petition, as a matter of fact, the said project has not been abandoned.
He submits that false statements have been made in the said Affidavit-in-
Reply.

2 We find that the Writ Petition was dismissed essentially on the ground
that there were several disputed questions of facts as it was contended by

the Respondent Corporation that the contract was revoked as the Review Petitioner did not commence the work till the contract period expired on 29 April 2015. The Court has merely stated in the order under review that it appears that the project is abandoned.

3 In the penultimate paragraph of the order under review, it has been observed as follows:

“Since several disputed questions of facts are involved in this Writ Petition pertaining to a challenge against the order of cancellation of the contract, we are not inclined to exercise the writ jurisdiction to decide whether the contract executed between the parties was rightly cancelled or not.”

4 We find no error apparent in the order under review. In the circumstances, we dismiss the Review Petition. The issue whether the project was abandoned or not is kept open.

5 The Review Petition is accordingly dismissed.

(R.I. CHAGLA, J.)

(A.A. SAYED, J.)