

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

WRIT PETITION NO. 2954 OF 2017

(Shri Ramdeobaba Charitable Society, Akola ..vs.. The Chief Officer, Municipal Council, Malkapur
and others)

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

Court's or Judge's orders

Shri A.C. Dharmadhikari, Counsel for the petitioner,
Shri Abhay Sambre, Counsel for respondent No.1,
Shri P.P. Kothari, Counsel for respondent No.2,
Shri S.M. Ukey, Addl.G.P. for respondent No.3.

**CORAM : SUNIL B. SHUKRE AND
ROHIT B. DEO, JJ.**

DATED : 03-12-2019

Heard. On 30-9-2019, upon a particular stand of respondent No.1, we had found that this petition did not involve any disputed questions of fact. We had also found that the facts relevant for demonstrating eligibility of the petitioner to receive the additional grant in terms of Government Resolution dated 28-1-2014 had been admitted by respondent No.1. But, the additional affidavit filed on record, on behalf of respondent No.2, shows the position to the otherwise. It indicates that the facts of the case are not so simple as they appear to be on the first blush. In this case, the State Government had appointed a third party agency for inspection of the works carried out by the petitioner and it had taken inspection of the works completed by the petitioner and submitted its reports from time to time. We are not considering any report of the third party agency

regarding completion or non-completion of the houses on or before 31st March, 2013. It is also not known as to on what basis respondent No.1 could have stated that the construction of 76 houses was incomplete on 31-3-2013. The eligibility to receive additional grants under Government Resolution dated 28-1-2014 is that the houses under Gharkul Scheme should have been incomplete on 31-3-2013 and thereafter. Considering this position, we are of the view that the grievance of the petitioner could be well resolved if the dispute is referred to Collector, Buldhana for taking an appropriate decision in the matter so that proper recommendations, positive or negative, could be made to the respondent Nos.2 and 3. Accordingly, we relegate the dispute to Collector, Buldhana, who shall after perusing the record and hearing the affected parties, decide as to whether or not the contractors like the petitioner are eligible to receive additional grants in terms of Government Resolution dated 28-1-2014 and accordingly, shall make his appropriate recommendations to the respondent No.3 for final decision in the matter. The parties to appear before Collector, Buldhana on 16-12-2019 at 11-00 a.m. The petition is disposed of accordingly. No costs.

JUDGE

JUDGE