

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

**64 WRIT PETITION NO.5029 OF 2020**

THE KARJAT NAGAR PANCHAYAT AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr. Nitin V. Gaware  
AGP for Respondents: Mr. S. G. Karlekar

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**CORAM: S. V. GANGAPURWALA &  
SHRIKANT D. KULKARNI, JJ.**

**DATE: 15<sup>th</sup> FEBRUARY, 2021**

**PER COURT:**

1. Mr. Gaware, learned Counsel for the petitioners submits that under the *Vaishishtyapurna Yojana* an amount of Rs.10 Crores was transferred to the Municipal Council. Once the amount is transferred to the Municipal Corporation it becomes a municipal fund. The respondents State did not get an authority to change the implementing agency after the funds are transferred to the petitioner. The learned Counsel submits that the delay in the work was due to the change in the nature of work and that is why the entire amount could not be utilized. The learned

Counsel submits that the amount was to be utilized for the public work. On 18.06.2020, permission was sought to change the work and the same was pending with the Collector.

2. Mr. Karlekar, the learned A.G.P. submits that Rs.10 Crores were transferred to the petitioner for the work under *Vaishishtyapurna Yojana*. The petitioner could utilize only an amount of Rs.1,37,61,431/- within 2 years and did not utilize the remaining amount. The remaining amount, as such, was transferred under the centralized DIGIPAY account. Once it is transferred to the DIGIPAY account, then same does not remain the municipal fund. As the petitioner did not proceed with the work, the implementing agency was required to be changed.

3. The documents on record clearly establish that the petitioner failed to conclude the work for which the amount was sanctioned and released under the *Vaishishtyapurna Yojana*. The work under the *Vaishishtyapurna Yojana* is for the benefit of

the public. The petitioner, it appears, did not perform the work within the stipulated period and eventually the said amount was transferred in June/September-2019 to the centralized DIGIPAY account. It further appears that the fresh tenders are also issued. The public work need not be stalled. The amount did not remain a municipal fund after the same was transferred. The Government was required to transfer the funds because of the laxity on the part of the Municipal Council.

4. In light of the above, writ petition is dismissed. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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