

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

955 Writ Petition No.12864 Of 2019

M/s. Rama Vijay Electricals Ahmednagar
Through Its Proprietor
Umesh Chandrakant Rekhe .. Petitioner

Versus

The State of Maharashtra
and Another .. Respondents

...
Mr S.S. Thombre, Advocate for the Petitioner
Mr S.P. Tiwari, AGP for Respondent No.1
Mr V.S. Bedre, Advocate for Respondent No.2
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**CORAM : S. V. GANGAPURWALA
AND
R.N. LADDHA, JJ.**

DATE : 01-09-2021

PER COURT : -

1. We have heard Mr Thombre, learned Advocate for the petitioner, Mr Bedre, learned Advocate for respondent no.2 – Corporation and the learned AGP for the respondent - State.

2. The petitioner seeks directions against respondent no.2 to release the final payment with interest as per the work done by him.

3. The amount claimed by the petitioner does not appear to be an undisputed amount. In view of that, in the writ jurisdiction under Article 226 of the Constitution of India, we cannot arrive at the

conclusion as to the extent of entitlement of the petitioner and more particularly, considering the affidavit filed by the respondent. However, it also requires to be considered that according to the petitioner the final bill has been submitted in May - 2018 and since then the Corporation is not taking further steps. More than three years have lapsed. The Corporation ought to have taken a final decision as to the entitlement of the petitioner. The reason put forth by the respondent in the affidavit-in-reply is that they have approached the Government Engineering College at Aurangabad for third party inspection regarding the quality of the work. They had also deposited the amount for inspection, but thereafter the Government Engineering College, Aurangabad communicated that the necessary technical staff is not available with them. Now the Corporation would request the Government Engineering College either at Pune or the Government Polytechnic College, Aurangabad to take further steps.

4. It is high time final decision is taken by the Corporation in accordance with their procedure and as per the tender terms.

5. Respondent No.2 shall take a final decision with regard to the amount payable / not payable to the petitioner within six months from today. Depending upon the decision taken, the parties may take

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further steps. In that event all contentions are kept open.

6. Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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