

Versus

The State of Maharashtra & Ors. ... Respondents

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Ms. S.S. Bhende, A.G.P for the Respondent-State.

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**CORAM : K.K. TATED &
R.I. CHAGLA, JJ.**

DATE : 1st APRIL, 2021.

P.C. :-

1 Heard learned Counsel for the parties.

2 Rule. Rule is made returnable forthwith.

3 By this Petition under Article 226 of the Constitution of India, the Petitioner is seeking directions against the Respondents to decide representation dated 16.08.2018 (Exhibit H, page 31 of the Petition) for payment of their service charges.

4 The learned Counsel for the Petitioner submits that as per the E-tender dated 30.08.2016 the Respondents awarded contract of house

keeping of Old Custom House, Fort, Mumbai. He submits that thereafter the Executive Engineer by his letter dated 30.09.2016 given a works order. It was specifically stated in the said works order that the Petitioner's offer was accepted for Rs.21,31,754/-. The learned Counsel for the Petitioner submits that thereafter the Petitioner provided their house keeping services to the Respondents and issued monthly invoices, those are as under :

SN	Bill No.	Month	Bill Amount	Delayed by Days
1	126	Oct-16	204293	1080
2	131	Nov-16	204293	1050
3	140	Dec-16	204293	1020
4	139	Jan-17	204293	990
5	136	Feb-17	204293	960
6	145	Mar-17	204293	930
7	142	Apr-17	204293	900
8	147	May-17	204293	870
9	150	Jun-17	204293	840
10	7	Jul-17	209623	810
11	8	Aug-17	209623	780
12	9	Sep-17	209623	750
13	10	Oct-17	209623	720
14	11	Oct-17	26894	690
15	12	Nov-17	53790	660
16	13	Dec-17	53790	630
		Total Amnt	2811603	650000

Total	3461603
Tax Damages (GST)	150000
Grand Total	3611603

5 The learned Counsel for the Petitioner submits that though the Petitioner time and again called upon the Respondents to make the payment of the invoices, they failed and neglected to do so. He further submits that neither the Petitioner paid the amount of the said bills nor they disputed the same. Hence, in the interest of justice, this Hon'ble Court be pleased to direct the Respondents to decide the Petitioner's representation dated 16.08.2018 on its own merits as early as possible.

6 The learned A.G.P. Mr. S.S. Bhende appearing on behalf of Respondent-State submits that considering the averments in the Petition, actually Petitioner requires to file a Suit for recovery of the said amount. She submits that the Petition as it is filed by the Petitioner is not maintainable. She further submits that the Petitioner is claiming the amounts which were due in the year 2016-2017 and, therefore, same is barred by the limitation also.

7 We heard both the sides at length. It is to be noted that in the present proceeding the prayer made by the Petitioner that the Respondents

may be directed to decide the representation as early as possible on its own merits.

8 Even during the course of argument, the learned Counsel for the Petitioner made a statement to this Court that the Respondents may be directed to decide the representation dated 16.08.2018, as early as possible.

9 Considering these facts and admittedly the Petitioner provided house keeping services to the Respondents and raised the bills from time to time, we are of the view that Respondents may be directed to decide Petitioner's representation dated 16.08.2018 as early as possible on its own merits. Hence the following order is passed :

- i) Respondents are directed to decide the Petitioner's representation dated 16.08.2018 (Exhibit H page 31) as early as possible on its own merits but in any case on or before 31.07.2021 and inform the Petitioner in writing to that effect.
- ii) All contentions of both the parties are kept open.
- iii) No order as to costs.

(R.I. CHAGLA, J.)

(K.K. TATED, J.)