

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

377 WRIT PETITION NO.11170 OF 2022

PRASAD CHANDRAM ASHANNA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

.....
Advocate for Petitioners : Mr. Thombre Chandrakant V.
AGP for Respondents: Mr. S.G. Sangle
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th NOVEMBER, 2022.**

PER COURT :-

1. The petitioner is a partner of CAN Infrastructure, Contractor and Engineer. A twofold grievance is brought before us by him that though he has completed the project and work of respondent Nos. 2, 3 and 4 (respondents P.W.D.), he has been paid only Rs.54,74,568/-. The remainder of Rs.17,64,416/- has not been paid. He therefore, prays that the directions be issued to the P.W.D. Alternatively, he submits that his representation, lastly filed on 6.10.2022, may be considered and a decision be rendered.

2. The Hon'ble Supreme Court has concluded that the High Court should not initiate recovery proceedings or execution proceedings. If the litigating party has a remedy of initiating a recovery suit or an execution suit, the party should be relegated to such statutory remedy.

3. The learned advocate for the petitioner submits that he is unaware as to whether there is any dispute on account of which P.W.D. is not paying his remainder amount. If his representation is considered and a decision is rendered, either the P.W.D. would clear off the remainder amount or it would inform him as regards any dispute with regard to the project work.

4. In view of the above, this petition is disposed off.

5. We expect, respondent Nos. 2 to 4 to consider the representation of the petitioner, dated 6.10.2022, on its own merits and by taking into account the entire record of the project work. If any amount is admissible, the same be paid to the petitioner. If there is any dispute as regards any amount, a specific communication, listing out the reasons, be conveyed to the petitioner so as to enable him to avail of the remedy, as is permissible in law. Let such exercise be concluded on or before 15.01.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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