

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6762 OF 2021

Soma Mohite Joint Venture & Anr. ... **Petitioners**
Versus

Godavari Marathwada Irrigation
Development Corporation Aurangabad
& Ors. ... **Respondents**

Dr. Milind Sathe, Senior Advocate a/w. Mr. Bhudhan
Deshmukh a/w. Mr. Abinash Pradhan, Ms. Garima Agrawal
i/b. Wadia Ghandy & Co., Advocate for the Petitioners.

Mr. Sudhir Bhalerao i/b. Ms. Chaitrali A. Deshmukh,
Advocate for the Respondent Nos.1 to 5.

Mr. S. B. Kalel, AGP for the Respondent No.6/State.

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 4, 2022

P.C.

1. We have heard Mr. Sathe, learned Senior Advocate for the petitioners, Mr. Bhalerao, learned Counsel of respondent Nos.1 to 5. The learned Counsel for respondents submits that in view of the contract between the parties, the Court at Aurangabad only shall have jurisdiction.

2. The jurisdiction of this Court under Article 226 of the Constitution of India cannot be circumscribed by the agreement between the parties. The said jurisdiction is sacrosanct. However, as far as objection to the territorial jurisdiction is concerned, the same can be considered.

3. It is submitted that the agreement is executed at Aurangabad and the impugned order is issued at Aurnagabad. Certainly, this Court would not exercise its jurisdiction. This Court also would not consider the prayer clauses with regard to the monetary claims. It is submitted that as far as prayer clause (a) is concerned, decision has to be taken by the Government. The learned Counsel for the petitioners the petitioners have given the representations/applications to the Government dated 27th August 2020. The decision on it has not been taken.

4. It is for the Government to take decision in accordance with law if some matter is pending before it.

5. In case the representation (page 326) dated 22nd August 2020 is pending with respondent No.6 and if respondent No.6 is competent to take decision upon it, the respondent No.6 shall take decision in accordance with law on its own merits expeditiously.

6. Writ petition is disposed of. No costs.

7. It is made clear that all contentions of the parties on merits are kept open.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)

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