

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION No. 219 OF 2022.

Sopan Maroti Kendre. Petitioner.

VERSUS

State of Maharashtra
and others. Respondents.

Mr.U.R. Phasate, Advocate for the Petitioner.
Mr.N.S. Rao, A.G.P. for Respondents.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 22 MARCH 2022.

P.C.

Heard the learned Counsel for the parties.

2. The Petitioner has challenged communications dated 17 August 2021 and 24 November 2021 issued by Respondent No.3. The Petitioner was awarded a tender in respect of construction of Gated Storage Weir in Bhandrawati, District Chandrapur. He was given a work order on 4 June 2019 and he was to complete the said work within a period of 12 months. Since the Petitioner did not carry out the work on the ground that there were rains, on 18

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January 2021, the Respondents called upon the Petitioner to complete the work by 31 March 2021. Thereafter by the impugned order dated 17 August 2021 the Petitioners contract was terminated.

3. As regards the action of termination of contract is concerned, the Petitioner, when given the contract in June 2019 was aware of the rainy season and that alone cannot be the ground not to complete the work. Furthermore the termination of contract would be a contractual matter and if the Petitioner has any claim for damages, the Petitioner can always institute appropriate proceedings.

4. As regards the order dated 24 November 2021 imposing the fine, the learned Counsel for the Petitioner contends that fine should not be imposed, as the Petitioner could not complete the work due to Covid-19 Pandemic. As to the contention for waiver or reduction of fine, we permit the Petitioner to make a representation to Respondent No.4, who will consider the representation of the Petitioner as per law, after considering all relevant aspects and communicate the decision to the Petitioner.

5. With these observations, Writ Petition is disposed of.

(ANIL L. PANSARE, J) (NITIN JAMDAR, J)