

Writ Petition No.899 of 2010

Versus

Mr. A.C. Dharmadhikari, Advocate for Petitioner.
Mr. N.S. Rao, Advocate for Respondent No.1.
Mr. M.I. Dhattrak, Advocate for Respondent No.2.

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

DATE : 28 FEBRUARY 2022

P.C.:

Heard the learned Counsel for the parties.

2. By this Petition, the Petitioner has sought an amount of ₹27,99,293/- from the Respondent No.2- Municipal Council, Chandrapur.

3. The Petitioner's claim arose from an agreement entered into between the Petitioner and the Respondent No.2 on 24 August 2008 pursuant to the tender called for the preparation of Detailed Project Report. A dispute arose between the parties as regards the

entitlement of the Petitioner. According to the Petitioner, the balance amount was ₹27,99,293/-, when, according to the Respondent No.2- Municipal Council, Chandrapur, as per their record, the same was ₹20,99,816/-.

4. By order dated 6 October 2010, while issuing Rule, the Division Bench directed the Respondent No.2, in light of their statement, to pay an amount of ₹20,99,816/- by way of interim relief. The learned Counsel for the Respondent No.2 states that an amount of ₹20,99,816/- is paid to the Petitioner. The learned Counsel for the Petitioner points out that the claim is of ₹27,99,293/-.

5. As regards the payment of ₹20,99,816/-, directed by way of an interim order, we find a specific admission in the reply-affidavit that as per technical sanction, this amount is due to the Petitioner and therefore, there is no reason to deviate from this interim order and the same is confirmed. As regards the balance amount, having gone through the pleadings, we find that there are various disputed questions raised for adjudication of this amount, which will require the parties to substantiate their factual assessment, if required, by leading evidence, which is not the scope for adjudication in this Writ Petition.

6. Confirming the interim order of payment of ₹20,99,816/- to the Petitioner, the Writ Petition is disposed of. It is open to the Petitioner, in case of the balance amount, if so advised to take

recourse to the appropriate course of action as per law and subject to limitation. Rule is discharged. No costs.

(ANIL L. PANSARE, J.)

(NITINJAMDAR, J.)