

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (W) NO. 978 OF 2022
IN WRIT PETITION NO. 1737 OF 2022

M/s C.R. Construction & Ors.

-- Petitioner/s

Vs.

State of Maharashtra & Ors.

-- Respondent/s

Mr. Anil Mardikar, Senior Advocate with Mr. V.R. Deshpande,
Advocate for the Petitioners.

Mr. A.A. Madiwale, A.G.P. for the Respondents/ State.

Mr. A.C. Dharmadhikari, Advocate for the applicant/ intervenor.

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

DATE : 29 APRIL 2022.

P. C. :

This intervention application is filed by the successful tenderer.

2. The application is allowed. The Applicant/ intervenor is permitted to be joined as party Respondent.

3. Learned Counsel for the Petitioners to carry out the necessary amendment within a period of one week.

4. Civil Application is disposed of accordingly.

WRIT PETITION NO. 1737/2022

5. Learned Counsel for the intervenor/ added Respondent states that the work order has been issued in favour of the added Respondent on 13 April 2022. Learned Counsel for the added Respondent and the learned Assistant Government Pleader rely on the decision of the Hon'ble Supreme Court in *M/s. N.G. Projects Limited Vs. M/s. Vinod Kumar Jain & Ors.*¹

6. In light of this development and the law laid down by the Hon'ble Supreme Court, learned Senior Counsel for the Petitioners seeks time to take instructions as to the further course of action.

7. At the request of learned Senior Counsel for the Petitioners, stand over to 8 June 2022.

8. In light of the law laid down by the Hon'ble Supreme Court in *M/s. N.G. Projects Limited (supra)*, wherein the Hon'ble Supreme Court has laid down that in such cases, damages would be an appropriate remedy, the ad-interim relief granted earlier stands vacated. There shall be no interim relief as regards the progress of the work.

9. Copy of work order is taken on record and marked as 'X'.

CIVIL APPLICATION (W) NO. 680/2022

10. This Civil Application was filed before the notice was issued and has remained pending.

11. Having been filed prior to issuance of notice, the same is allowed. Amendment to be carried out before the next date and the amended copy be given to the Respondents.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]