

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

Writ Petition No.4530 of 2022

M/s. Jarande Engineers,
through its Proprietor Mr. Nitin S. Jarande

Versus

Maharashtra State Electricity Transmission Commission Ltd.,
Mumbai, and others

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri R.D. Dharmadhikari, Advocate for Petitioner.

CORAM : SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.

DATE : 12th OCTOBER, 2022

1. Heard Shri R.D. Dharmadhikari, learned counsel for the petitioner.
2. By this petition, the petitioner has sought quashing of the impugned communication dated 25-5-2021 on the ground that the said communication is unreasonable, in the sense that it withholds the payment of the amount due and payable to the petitioner on account of completion of the contractual work by him, for no reason. The reliance is placed upon the decision of this Court in the case of *Maha Active Engineers India Private Limited Vs. Maharashtra State Electricity Transmission Company Limited and others*, reported in 2022 DGLS(Bom.) 36.
3. Upon hearing the learned counsel for the petitioner and going through the impugned communication, we find that there is nothing adverse which is recorded against the petitioner in the impugned communication. The impugned communication says that the office of the Superintending Engineer, EHV O&M Circle, Akola, has kept the claim of the petitioner for payment as 'retained' or 'on hold' and in the

meantime, it seeks guidance from the superior officers of the author of the communication. The fact that it seeks guidance from the superior officer can be seen from the request made therein in the last but one paragraph, which is reproduced as under :

“It is therefore requested to please take up matter with competent authority/CO Mumbai & provide necessary guideline to this office regarding whether to release SD amount as per new PBG clause of BR no.146/11 dtd. 16.03.2021 against this office work order no.1259, 1260 & 1261 dtd. 26.07.2018 & amount kept on hold as CAG Govt. audit para or otherwise.”

4. So, what has been sought by the petitioner in this petition is effectively something which would prevent the Superintending Engineer from seeking guidance from the superior officers. There is no law which would enable any person to prevent the authority from seeking some guidance from the superior authorities. Therefore, the petition like this has to be discouraged and must be dismissed summarily.

5. The case of *Maha Active Engineers India Private Limited* (supra), relied upon by the learned counsel for the petitioner, is entirely on different set of facts and, therefore, would have no assistance to the petitioner here. In that case, there was refusal of payment and whereas in the present case, there is no refusal of payment, but the payment has been put on hold pending receipt of guidance by the Superintending Engineer from his superior officers.

6. In the result, we find no merit in the petition. The petition stands dismissed summarily. No costs.

7. Liberty is granted to the petitioner to pursue his claim with appropriate authority in accordance with law.

(ANIL L. PANSARE, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar