

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO.12544 OF 2023

Shree Swami Samarth Enterprises,
Dhule, Tq. and Dist. Dhule,
Through its Proprietor -
Smt.Maya Sharad Pawar,
Age-54 years, Occu-Business,
R/o Dhodi Shivar, Nagaon Parisar,
Tq. and Dist. Dhule

-- PETITIONER

VERSUS

1. The State of Maharashtra
Public Health Department,
10th floor, GT Hospital Complex,
Mumbai - 400 001,
Through its Principal Secretary
2. The Commissioner (Health Services)
and Mission Director (National Health Mission)
8th floor, Arogya Bhavan,
St.George's Hospital Compound,
P.D'Mello Road, Mumbai - 400 001
3. The Chief Executive Officer,
Zilla Parishad, Dhule,
Tq. and Dist. Dhule
4. The Collector,
Office of the Collectorate,
Dhule, Tq. and Dist.Dhule
5. The Civil Surgeon,
Civil Hospital, Dhule,
Tq. and Dist. Dhule

-- RESPONDENTS

**WITH
WRIT PETITION NO.12545 OF 2023**

Shree Swami Samarth Enterprises,
Dhule, Tq. and Dist. Dhule,
Through its Proprietor -
Smt.Maya Sharad Pawar,
Age-54 years, Occu-Business,
R/o Dhodi Shivar, Nagaon Parisar,
Tq. and Dist. Dhule

-- PETITIONER

VERSUS

1. The State of Maharashtra
Public Health Department,
10th floor, GT Hospital Complex,
Mumbai - 400 001,
Through its Principal Secretary

2. The Residential Deputy Collector @
Chief Executive Officer,
District Disaster Management
Authority, Dhule,
Tq. and Dist. Dhule

3. The District Health Officer,
Zilla Parishad, Dhule,
Tq. and Dist. Dhule

-- RESPONDENTS

**WITH
WRIT PETITION NO.12546 OF 2023**

Shree Swami Samarth Enterprises,
Dhule, Tq. and Dist. Dhule,
Through its Proprietor -
Smt.Maya Sharad Pawar,
Age-54 years, Occu-Business,
R/o Dhodi Shivar, Nagaon Parisar,
Tq. and Dist. Dhule

-- PETITIONER

VERSUS

1. The State of Maharashtra
Public Health Department,
10th floor, GT Hospital Complex,
Mumbai - 400 001,
Through its Principal Secretary
2. Medical Education and Research,
4th Floor, Government Dental College
and Hospital, St.George's Hospital
Compound, P.D'Mello Rd.,
Near CSMT, Chhatrapati Shivaji
Terminus Area, Fort, Mumbai - 400 001
Through its Commissioner/Director,
3. The Dean,
Shri Bhausahab Hire Government
Medical College and Hospital,
Dhule, Tq. and Dist. Dhule

-- RESPONDENTS

Mr.S.C.Yeramwar, Advocate for the Petitioners.

Mr.V.M.Kagne, AGP for the Respondent/State.

Mr.Rahul S.Pawar, Advocate for Respondent No.3 in WP
Nos.12544/2023 and 12545/2023.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : OCTOBER 11, 2023

ORAL JUDGMENT (*Per Ravindra V. Ghuge, J.*) :-

1. Rule. Rule made returnable forthwith and heard finally by
the consent of the parties.

2. The Petitioner has put forth prayer clause B in WP No.12544/2023 as under:-

*“B) The Respondents may kindly be directed to forthwith disburse the payment of unpaid bills of the Petitioner - Company on account of collection and disposal of the Bio-Medical Waste during the period of Covid-19 pandemic as per the letters dated 08.12.2022 and 21.07.2023 issued by the Respondent No.3 - Chief Executive Officer, Zilla Parishad, Dhule requesting the Respondent No.2 - The Commissioner (Health Services) and Mission Director (National Health Mission), Mumbai to grant funds for making payment of unpaid bills of the Petitioner - Company (**Exhibit-G collectively**), by issuing appropriate writ, orders, or directions as the case may be.”*

3. The Petitioner is before us praying for releasing of the legal dues / payments towards the bills on account of collection and disposal of the Bio-Medical Waste during the Covid period. These bills have been purportedly raised towards collection and disposal of the Bio-Medical Waste during the Covid-19 pandemic.

4. Shri Yeramwar, the learned Advocate for the Petitioner, has vehemently supported the prayers put forth in the light of the grounds formulated in the petition.

5. In similar matters, wherein the bills were admitted, we

have directed the release of the said bills. The learned AGP submits that these bills cannot be cleared without proper verification.

6. In view of the above, **these Writ Petitions are disposed off** with the following directions:-

(a) The Respondents/Authorities would verify the bills of this Petitioner within a period of sixty days from today.

(b) Those amounts, which are admissible and are uncontroverted, would be cleared within thirty days thereafter.

(c) If there are any amounts / bills on which there is any objection, concerned Respondent/Authority shall communicate to the Petitioner about such bills not being cleared. In such a situation, the Petitioner would be at liberty to resort to filing of a recovery suit, subject to the law of limitation that is applicable.

7. Rule is discharged.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)