

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13319 OF 2023

Godawari Construction, Aurangabad

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Sanjay E. Sarode, Advocate for the Petitioner
Mr. V. M. Kagne, AGP for Respondents - State
.....

[CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.]

DATE : OCTOBER 26, 2023

ORDER :

1. The Petitioner contends that several bills tendered to the PWD from 2016 till 2017 have not been cleared. Representations have been forwarded and the last Representation is dated 3rd March, 2023. The amount claimed is approximately, 5,96,087/-
2. The Hon'ble Supreme Court has concluded that the High Court should not initiate recovery proceedings or execution proceedings. If the litigating party has a remedy of initiating a recovery suit or an execution suit, the party should be relegated to such statutory remedy.
3. The learned advocate for the Petitioner submits that he is

unaware as to whether there is any dispute on account of which PWD is not paying his remainder amount. If his representation is considered and a decision is rendered, either the PWD would clear off the remainder amount or it would inform him as regards any dispute with regard to the project work.

4. In the light of the above, this Petition is disposed off.

5. We expect, Respondent Nos. 2 to 4 to consider the representation of the Petitioner dated 3rd March, 2023 on its own merits and by taking into account the entire record of the project work. If any amount is admissible, the same be paid to the Petitioner. If there is any dispute as regards any amount, a specific communication, listing out the reasons, be conveyed to the petitioner so as to enable him to avail of the remedy, as is permission in law, subject to the law of Limitation. Let such exercise be concluded on or before 31st December, 2023.

[Y. G. KHOBRADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE