

jvs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO. 7323 OF 2022

M/s. R. M. Parve	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

Ms. Gauri Raghuwanshi i/b. Mr. Pralhad D.
Bachate for the petitioner.

Ms. R. A. Salunkhe, AGP for State.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: MARCH 17, 2023

P.C.:

1. The learned advocate for the petitioner submits that the petitioner was issued work order by the respondents 2 and 3 for augmentation to source for Shahapada R. R. Water Supply pursuant to a tender. The petitioner completed the part work, but there was a delay in supply of D I pipes and finalization of structural design on the part of respondent authorities. The petitioner carried out the work in January-February 2020. The bills in respect thereof were also paid. The petitioner sought for extension of time as 75% of the work was complete. In fact, the engineer submitted the report and recommended extension. In the interregnum, because of COVID-19, lockdown was declared throughout the country.

2. The Finance Department, on 29th July 2022 issued circular extending the term for completion of the work by six months. The petitioner requested respondent no. 2 to grant extension of six

months without penalty. However, the respondent no. 2 resorted to adverse action and imposed fine. The work order was also cancelled.

3. The learned advocate for the petitioner further submits that by a general circular, the time for completion of work was extended by the Government. The petitioner is discriminated. It is erroneous on the part of the respondents to impose fine and cancel the work order.

4. The present matter arises out of contractual rights and obligations. It is not a case of admitted facts. The factual matrix will have to be proved with regard to the alleged claim. Evidence will have to be led in such matters. It would not be possible to deal with the same in writ jurisdiction. The petitioner may avail remedy before the Civil Court or before such forum as may be permissible in law. In that event, all contentions are left open.

5. With the aforesaid liberty and observations, the writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)