



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

Writ Petition No.4371 of 2019

Deepak Balwantrao Bangde,

Aged about 65 years,

Occ.: Proprietor, Sunrise Akshay Urja,

R/o Gadikhana, Ganeshpeth,

Nagpur 440032.

... **Petitioner**

Versus

1. The Collector,

The Secretary of District Planning and

Development Committee,

Collector Office, Nagpur.

2. Chief Officer,

Municipal Council, Ramtek,

Tq. Ramtek, Distt. Nagpur.

3. The President,

Municipal Council, Ramtek,

Tq. Ramtek, Distt. Nagpur.

... **Respondents**

Shri L.H. Kothari, Counsel for Petitioner.

Smt. S.S. Jachak, Assistant Government Pleader for Respondent No.1.

Shri M.I. Dhattrak, Counsel for Respondent Nos.2 and 3.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 25th SEPTEMBER, 2023.

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. According to the petitioner, pursuant to the tender notice issued on behalf of the respondent No.2 inviting bids for various works, the petitioner carried out the works and thereafter he was issued the work completion certificate. Despite this, it is the grievance of the petitioner that he has not been paid his dues for having carried out such works. Notice dated 18-12-2018 came to be issued by the petitioner to the respondent Nos.2 and 3. On this ground, the petitioner seeks direction to be issued to the said respondents to pay him his dues for the works he has carried out.

3. Shri M.I. Dhattrak, learned counsel for the respondent Nos.2 and 3, seeks time to file affidavit-in-reply. According to him, the entitlement of the petitioner would have to be examined before any relief to be granted to him.

4. It is seen that the petitioner has issued notice dated 18-12-2018 to the respondent Nos.2 and 3 demanding his dues for the works he has carried out. In the facts of the present case, the interest of justice would be served by treating the notice dated 18-12-2018 as a representation made to the respondent No.2 who shall consider the same in accordance with law after giving an opportunity of hearing to the petitioner. If the respondent No.2 finds that the works in question have been satisfactorily completed, the request made by the petitioner to release his dues can be considered in accordance with law. To enable consideration of the

petitioner's request, he shall appear before the respondent No.2 on 3-10-2023. The respondent No.2 is directed to decide the representation of the petitioner dated 18-12-2018 within a period of four weeks from that date and communicate the decision thereof to the petitioner. Needless to state that if the petitioner is not satisfied with the outcome of the said representation, he is free to take appropriate legal steps.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)