

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

Writ Petition No.3052 of 2017

J.C. Barve Boys Hostel, Nagpur

Versus

The State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri B.M. Kharkate, Counsel for Petitioner.

Ms N.P. Mehta, Assistant Government Pleader for Respondents.

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

DATE : 8th AUGUST, 2023.

1. Rule. Rule made returnable forthwith and heard the learned counsel appearing for the parties.
2. The petitioner, a Boys' Hostel run by a Public Trust, claims to provide hostel facility to tribal students who undertake training under various Government Schemes. Pursuant to an agreement entered into with the Project Officer- respondent No.3, the petitioner provided such facilities to tribal students. The petitioner claims entitlement to the amounts which it had to receive pursuant to providing such facilities. The claim made by the petitioner is for an amount of Rs.63,79,000/-. In the reply filed by the respondents, it has been stated that the entitlement of the petitioner is for an amount of Rs.38,02,147/-. On various dates, the respondents have made payments to the petitioner and the balance amount remaining is Rs.2,24,647/-.
3. After hearing the learned counsel for the parties, we find that there is a dispute between the parties with regard to the actual entitlement of the petitioner. While the petitioner claims a higher amount of Rs.63,79,000-, the respondents dispute the same. According to them, the total amount due is Rs.38,02,147/- and now the balance amount of Rs.2,24,647/- remains to be paid.
4. In these facts, the interest of justice would be served by passing the following order :

(i) The respondent No.3 within a period of four weeks from today shall pay the petitioner an amount of Rs.2,24,647/-, which is stated to be the balance amount in Paragraph 8 of the affidavit dated 25-2-2020.

(ii) If such amount is not paid within a period of four weeks from today, the same shall carry an interest at the rate of 5% till its realization.

(iii) In case the petitioner seeks an additional amount claiming to be due and payable to it, it is free to make a representation in that regard to the respondents indicating its entitlement.

(iv) If such representation is made, the respondents shall decide the same in accordance with law.

5. With these directions, the writ petition is partly allowed and disposed of. Rule accordingly with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR