



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3205 OF 2024

Akhilash Yadgiri Mudiraj

VERSUS

The Chief Secretary Public Works
Department And Others

...

Mr. C. V. Thombre, Advocate for the Petitioner

Mr. S. K. Tambe, AGP for Respondents

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MARCH 27, 2024

PER COURT :

1. The Petitioner has put forth prayer clauses

'B' and 'C' as under:

B) This Hon'ble Court by issuing appropriate Writ, order or directions in like nature be pleased to direct the Respondent authority to consider the representations regarding his payment which is due with him should be considered and release the payment.

C) Pending hearing and final disposal of this writ petition petitioner should deposit the amount in Honourable High Court.

2. The Petitioner claims to be a contractor. His unpaid bills date back to 2017. The law of limitation for initiating suits for recovery of unpaid amounts is three years. A representation is forwarded to the Authorities. Reliance is placed on a communication

dated 21.12.2023 issued by the Executive Engineer, PWD, Chhatrapati Sambhajinagar addressed to the Superintending Engineer, PWD, Chhatrapati Sambhajinagar stating therein that the bills of the Petitioner have to be cleared.

3. We have observed in paragraph 2, in our order dated 16.11.2022 in Writ Petition No. 11170/2022, as under:

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.

4. Considering the above, **this Writ Petition is disposed off.** If Respondent No. 3 has no objection and there is no dispute about the bills of the Petitioner, he may proceed to take an appropriate decision in view of the communication dated 21.12.2023. If there is any dispute about the bills, the Petitioner may avail of a remedy as may be permissible in law, subject to the law of limitation.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)