

Wadhwa

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9698 OF 2023**

Fortune's Sparsh Healthcare Pvt Ltd Through its
Chief Executive Officer ...Petitioner
Versus
The State of Maharashtra Through Principal
Secretary & Anr ...Respondents

Mr Ashutosh Kulkarni, *with Vrushali Maindad, Shaheen Kapadia & Shrushti Tupe, for the Petitioner.*
Mrs MP Thakur, AGP, *for the Respondent-State.*
Mr Kedar B Dighe, *with Archana D Gaware, for Respondent No. 2.*

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 4th January 2024

PC:-

1. Mr Kulkarni states that there is an Additional Affidavit in Reply. In this Affidavit in paragraph 17, the assertion on behalf of the contesting Respondents the Pimpri Chinchwad Municipal Corporation, is that for two other units, the Petitioner has been overpaid. These are the Covid centres known as Hira Lawns and Rama Smruti Covid Centre. The submission is that the amount paid in excess will need to be adjusted, and after calculating the exact amount due and payable, the balance can be paid over to the Petitioner. Mr Kulkarni and his Advocate on record have specific

instructions to state that this statement may be accepted, reserving to the petitioner's the liberty to separately and independently challenge the assertion of an excess payment for the other two centres. Annexed to this Affidavit is an order of 2nd January 2024 at page 212.

2. Mr Dighe also states that there is an amount of deposit which will also have to be adjusted. This may also be done on a without prejudice basis.

3. Accordingly, and at Mr Kulkarni's request, we dispose of the Petition in these terms but specifically reserving to the Petitioner the liberty to separately take appropriate proceedings in regard to the alleged overpayment, illegal/excess payment for the other two Covid centres.

4. Having said this, the amount that is found due after adjustment (and which is obviously on a without prejudice basis) is to be computed within a period of three weeks from today, and that disbursement is to be made within a period of three weeks thereafter.

5. Petition is disposed of in these terms.

(Kamal Khata, J)

(G. S. Patel, J)