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

WRIT PETITION NO. 13106 OF 2024

Vihaan Enterprises

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. Ajit Lulla a/w Ms. Sunita Warang a/w Suchitra Singh i/by
Mr. S. R. Mishra for petitioner.

Mr. P. P. Kakade, Government Pleader a/w Mr. O. A.
Chandurkar, Addl. Govt. Pleader and Ms. G. R. Raghuwanshi,
AGP for State.

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**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
M. M. SATHAYE, J.**

DATE: 25th SEPTEMBER, 2024

P.C.:

- 1.** Heard learned counsel for the petitioner and the learned Government Pleader representing the State of Maharashtra.
- 2.** By instituting this petition under Article 226 of the Constitution of India, a prayer has been sought to issue direction to the respondent-CIDCO for releasing alleged due amount of Rs.11,86,737/- in respect of work allegedly carried out by the petitioner at the entrance gate of new Administrative Building of CIDCO.
- 3.** It has been argued by the learned counsel for the petitioner that under a verbal order issued by the competent authority of CIDCO, the petitioner had executed the said work

in respect of which certain payments have also been made, however, full and final payment is being denied to the petitioner.

4. Such issue, in our considered opinion, will necessarily involve determination of pure questions of fact which is neither permissible nor possible in a proceeding under Article 226 of the Constitution of India. In fact, proper recourse available to the petitioner for claiming the prayer made in this petition is to institute a civil suit before a Court of competent civil jurisdiction and not to invoke writ jurisdiction.

5. Accordingly, the writ petition is dismissed with the liberty to the petitioner to take any other recourse for redressal of its grievances which may be available to it under law, including institution of an appropriate suit before the Court of competent civil jurisdiction.

(M. M. SATHAYE, J.)

(CHIEF JUSTICE)