



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

WRIT PETITION NO. 2337 OF 2024

(M/s Sai Engineering and Works, Thr. Its Authorized Partner Ramji
Satyanarayan Sharma & Ors.

Vs.

State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. R.R. Deo, Advocate for the Petitioners.

Mr. A.S. Fulzele, Addl.GP for the Respondent No.1/State.

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 5th APRIL, 2024

Heard Mr. Deo, learned counsel for the
petitioners.

2. The petition questions the communication dated 02.04.2024, whereby the petitioners have been asked to stop the ash lifting work with effect from 03.04.2024 due to mismanagement alleged against them in the matter of ash lifting/ash utilization in Koradi Ash Bund, for which a contract was awarded to the petitioners on 10.11.2023, which was for a period from 09.12.2023 to 08.12.2024.

3. On 06.02.2024, it is contended that because of diversion of ash slurry from Khasara Ash Bund to Koradi Ash Bund, the capacity of the Koradi Ash Bund was exceeded, on account of which, the partition wall of the Koradi Ash Bund broke, as a result of which, the surrounding area was

inundated with ash slurry submerging 8 trucks hired by the petitioners. Thereafter the petitioners with great efforts removed 7 trucks and substantial portion of the ash slurry leaving behind one truck which is still submerged. It is contended, that though the contract is still in force, by the impugned communication the work under contract has been directed to be stopped and so also a threat of black listing has also been given, which is unjustified, considering the fact that the breach of the Koradi Ash Bund was not the fault of the petitioners but was on account of mismanagement by the respondent No. 2.

4. It is also contended, that apprehension in this regard was also expressed to the officials of the respondent No. 2 on 05.02.2024, for which the photographs at page 79 are being relied upon. It is therefore submitted, that the petitioners are being penalized, for no fault of them.

5. Issue notice for final disposal to the respondents, returnable on **22.04.2024**.

6. Mr. Fulzele, learned Addl.GP waives notice for the respondent No.1/State.

7. The petitioners shall serve the respondent No.2 by the returnable date by all modes permissible in law.

8. By way of an *ad-interim* order, till the returnable date no action of black listing the petitioners shall be taken.

(SMT. M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)