



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3947 OF 2021

The Chairman
Krupa Majoor Sahakari Sanstha Ltd
& others

....Petitioners

VERSUS

The State of Maharashtra & others

.....Respondents

Mr. L. V. Sangit, Advocate for the Petitioners.

Mr. S. R. Yadav Lonikar, AGP for the State.

Mr. B. R. Survase, Advocate for Respondent No. 4.

**CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.**

DATE : 9th DECEMBER, 2025.

PER COURT :

1. Heard.

2. Petitioners are the labour societies. They had carried some construction for the Respondents in the year 1995-1996. They raised bills with the Respondents however, the said bills are not paid. Petitioners, therefore, started making representations. However, instead of said representations, the bill amount is not paid to the Petitioners for the work they have done. Petitioners, therefore, have approached this Court.

3. Learned Advocate for the Petitioners has vehemently argued that the Respondents are the authorities under the State Government and therefore, are State under Article 12 of the Constitution of India. They are duty bound to pay the amount of bills. For no reasons the bills are withheld. It is a fit case to direct the Respondents to pay the amount as per the bills. He, thus, prays to allow the Petition.

4. Learned Advocate for the Respondents vehemently argues that the amount due is of the construction carried out as per the contract. He made two fold submissions; firstly, that being a matter of recovery of amount of bills, it was open for the Petitioners to file a civil suit and secondly, that since it is a contractual matter, it is necessary to file a suit for enforcement of contract or for breach of contract. He submits that a Writ Petition is, therefore, not maintainable on both these counts. He further submits that even on the count of delay and laches, the Petition is not maintainable. He, thus, prays for dismissal of the Petition.

5. After having heard the parties, this Court finds that the bills were raised in the year 1995-1996. The first representation was made on 22.03.2001. It appears that only because now the remedy of civil appeal is barred, the Petitioners have made an attempt to claim the amount by filing this Writ Petition. This Court finds that the Petition is hopelessly barred on the count of delay and laches. Even otherwise, it was open for the Petitioners to approach the Civil Court for recovery of amount of bills or for damages, compensation etc. This Court is, therefore, not inclined, on both counts i.e. delay and laches and alternate remedy, to interfere in the Petition. Petition, therefore, stands dismissed. No order as to costs.

(ABASAHEB D. SHINDE)
Judge

(KISHORE C. SANT)
Judge

dyb