



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 WRIT PETITION NO. 8962 OF 2025
WITH
CIVIL APPLICATION NO. 7936 OF 2025
IN WP/8962/2025

Darshan Constructions Thr Jeevan Vinayak Jahagirdar
VERSUS
The State Of Maharashtra And Others

...
Mr. Kishorkumar Bharatrao Borde, Advocate for the Petitioner
Mr. S. P. Sonpawale, AGP for Respondents State

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CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.

DATE : 30th July, 2025

P. C. :

1. Heard learned counsel for the petitioner.
2. By this Petition, the petitioner is challenging the orders passed by Respondent Nos. 3 and 4 whereby, the work order issued to the petitioner has been cancelled on the ground that the petitioner failed to perform the work in specific time lines. It is also recorded that when the petitioner was called for a joint measurement, he refused to remain present and therefore, the respondent authorities undertook the exercise of measurement. Upon arising at a finding that the work allotted to the petitioner was being done in an extremely slow manner, in public interest, the work order was cancelled.
3. The petitioner claims that delay in completing the work was due to certain circumstances which were brought to the notice of the

respondent authorities, when request was made for grant of extension of time. It is further submitted that the impugned orders are without jurisdiction as it is only the Superintending Engineer who has the authority to pass any such order.

4. We have perused the relevant portion of the tender document and we find that the said contention regarding impugned orders being without jurisdiction, is not substantiated, for the reason that the Superintending Engineer is the final authority in the context of imposing order of payment of compensation by the contractor due to delayed execution of work. The said stage is yet to arise and therefore, the said contention cannot be sustained.

5. We find that the claims being raised by the petitioner, which are denied by the respondent authorities, give rise to serious disputed questions of facts, which cannot be decided in this writ petition under Article 226 of the Constitution of India.

6. Hence, the writ petition is dismissed. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan