



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO. 12546 OF 2025

NAWAB CONSTRUCTION COMPANY THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA THROUGH TRIBAL DEVELOPMENT
DEPARTMENT AND OTHERS

...
Mr. G.R. Syed Advocate for Petitioner.
Mr. R.B. Dhaware, A.G.P. for Resp. Nos. 1 to 4.
...

CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 24th NOVEMBER, 2025

ORDER :

1. Heard learned Advocate for the petitioner. The petitioner seeks direction against the respondents to pay the bills of the petitioner as per the running bill already submitted.
2. Learned AGP waives notice for all the respondents.
3. On the last occasion we had asked learned Advocate for the petitioner to argue on the point of maintainability. He is relying upon the decision in *M/s. Utkal Highways Engineers and Contractors vs. Chief General Manager and others*, (Civil Appeal

No.000271 of 2025 (@ Special Leave Petition (C) No.14350 of 2022), decided on 8th January 2025, wherein in Para No.8, it has been observed as under:-

" 8. Be that as it may, the High Court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie.1 Further, throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence."

4. Though it is stated by the learned Advocate for the petitioner that whatever bills he has submitted those have been forwarded and therefore, those are not disputed, in other words those are admitted; we are not going into the factual aspects. We dispose of the Writ Petition by directing respondent Nos.1 to 4 to scrutinize the bills and if at all there is any due amount, then proper recourse be taken.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE