IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4744 OF 2025

BNC Power Projects Ltd. Through
Rajesh P. Choudhari … Petitioner

V/s.

City and Industrial Development Corporation
of Maharashtra Ltd. and Ors. … Respondents

Mr. Cyrus Ardeshir, Senior Advocate with Suraj Almeida and Hrishikesh More for the Petitioner
Mr. Ashutosh M. Kulkarni with Akshay R. Kulkarni for Respondent Nos. 1 to 4 – CIDCO
Mr. Ravi Karad, Asstt. Executive Engineer (Elct-Metro/CP) of CIDCO present

---

CORAM : ALOK ARADHE, CJ. AND
M.S. KARNIK, J.

DATE : 21st APRIL 2025

P.C. :

1. Rule. Rule is made returnable forthwith. With consent of the learned Counsel for the parties, heard finally.

2. In this Writ Petition, the Petitioner, *inter-alia* seeks a direction to the CIDCO to consider and decide the Appeal dated 25th May 2023 filed by the Petitioner under Clause 67.1 of the General Terms and Conditions of the Contract executed between the parties.

3. Facts giving rise to filing of this Writ Petition briefly stated are that the Petitioner on 24th November 2021 was allotted a tender and a Letter of Intent was issued to the Petitioner. Thereafter, on 9th December 2021, a work order was issued in favour of the Petitioner. It is the case of the Petitioner that the Petitioner could not complete the work within the stipulated time. The Respondents thereupon by an order dated 31st March 2023 has closed the contract on account of efflux of time. The Petitioner thereupon filed the Writ Petition (L) No. 10854 of 2023 in which validity of the aforesaid communication was challenged. The said Writ Petition was disposed of by a bench of this Court by an order dated 25th April 2023 with a direction to the Petitioner to approach the Chief Engineer and to raise all grounds.

4. The Petitioner thereafter has filed an Appeal on 25th May 2023 under Clause 67.1 of the General Conditions of Contract. The grievance in the instant Writ Petition is that the instant Appeal has not been decided by the Respondent No.2 – Managing Director, CIDCO. Mr. Kulkarni, learned Counsel on instructions submits that the Appeal preferred by the Petitioner which is pending before the Managing Director, CIDCO, shall be decided within an outer limit of fifteen days.

5. In view of aforesaid submission and in view of the facts and circumstances of the case, the Writ Petition is disposed of with the directions to the Managing Director, CIDCO to decide the Appeal preferred by the Petitioner by a speaking order within a period of three weeks from today. It is made clear that this Court has not expressed any opinion on merits of the Petition.

(M.S. KARNIK, J.) **(CHIEF JUSTICE)**

JYOTI PRAKASH PAWAR
Digitally signed by JYOTI PRAKASH PAWAR
Date: 2025.04.23 10:29:51 +0530