



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

WRIT PETITION NO.3979 OF 2024

M/S V.D. CONSTRUCTION, THROUGH ITS PROPRIETOR, SHRI DEEPAK
BALIRAM DANDEKAR VS
CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, AMRAVATI AND OTHERS

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Manish Shukla, Advocate for the petitioner/s
Mr. D.V. Chauhan, Sr. Advocate/G.P. ab Mr. N.S. Rao, AGP a/w Mr. C.J. Dhruv,
Advocate for the respondent Nos.1 to 5/State
Ms B.P. Maldhure, Advocate for the respondent No.6

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 17.11.2025

1. Heard.
2. The petitioner was awarded with the work for maintenance and repairs of new and old circuit house, rest house at Washim. On certain complaints and finding substance in such complaints, a show cause notice dated 31.01.2023 was served upon the petitioner and called explanation within two days.
3. The petitioner submitted explanation to the concerned authority on 01.02.2023 and thereupon, the Executive Engineer, Public Works Department, Washim issued an order dated 06.02.2023 giving warning to the petitioner by asking to improve the work.
4. It is the case of the petitioner that, after the order dated 06.02.2023, no show-cause notice or explanation

was called for from the petitioner, and abruptly, on 19.04.2023, an order was issued cancelling the contract and further proposing to consider the petitioner's case for blacklisting.

5. No doubt, the period of the contract had expired on 30.09.2023; however, according to the petitioner, the impugned action would cast a stigma upon him and adversely affect his prospects whenever he would participate in any such tender process.

6. The learned Senior Advocate and learned GP opposes the present petition on the ground that after termination of the contract, the petitioner had approached this Court by filing Writ Petition No.2842 of 2023 and this Court, while disposing the same, has categorically observed vide order dated 08.08.2023 that the Dispute Resolution Mechanism is provided by way of clause 14.1 of the tender conditions, which covers even termination of contract. The petitioner, therefore, was asked to avail remedy as per the Clause 14.1 of the tender conditions. This Court, further observed that there is also remedy to seek damages of termination of contract.

7. In view of the observations recorded by this Court in Writ Petition No.2842 of 2023, as regards the remedy available to the petitioner to claim damages, the learned GP

opposes the petitioner on the ground of maintainability and argues that the petitioner may file appropriate proceeding for damages.

8. In the above-referred backdrop, upon perusal of the record, it is revealed that the petitioner availed the remedy as provided under Clause 14.1 of the tender conditions, by filing appeal before the Chief Engineer, Public Works Department, Amravati. However, the order dated 18.03.2024 passed by the Chief Engineer is a non-speaking order, as it does not disclose any reasons for the rejection of the appeal.

9. The order does not also disclose that the Chief Engineer has considered the grounds raised by the petitioner as regards non issuance of show cause notice before termination and the compliance of the principles of natural justice.

10. In the circumstances, we are of the considered view that the matter needs to remand back to the Chief Engineer, Public Works Department, Amravati, to reconsider the appeal of the petitioner, after hearing the petitioner and concerned parties.

11. The Chief Engineer, Public Works Department, Amravati shall also consider the observations made in this order and the documents filed by the petitioner on record.

12. Needless to mention that although the petitioner's contractual period has already expired and, even if the appeal is allowed, the petitioner cannot be permitted to continue with the contract. The limited purpose of remanding the matter to the Chief Engineer, Public Works Department, Amravati, is to ensure consideration of the petitioner's contention that the impugned action will cast a stigma upon an otherwise unblemished service record of the petitioner. In view of this, the Chief Engineer, Public Works Department, Amravati, shall consider the matter from this perspective and take an appropriate decision within ten weeks from the date on which a copy of this order and a copy of the petition along with the documents annexed thereto are furnished to him.

13. All the points are kept open.

14. The decision shall be communicated to the petitioner within two weeks from the date of the decision.

15. Accordingly, the petition is **disposed of**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)