



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

WRIT PETITION NO. 607/2025

(APMC, SHEGAON & ANOTHER **VERSUS** THE STATE OF MAHARASHTRA & ANOTHER)

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

Court's or Judge's order

Shri P.S. Kshirsagar, counsel for the petitioners.
Shri H.D. Marathe, Assistant Government Pleader for the respondent no.1.
Shri H.D. Dangre, Advocate with Shri A.P. Kalmegh, counsel for the
respondent no.2.
Shri Ujwal Wasnik, Advocate with Shri S.D. Chande, counsel for the
respondent no.3.

CORAM : NITIN W. SAMBRE AND VRUSHALI V. JOSHI, JJ.

DATE : APRIL 29, 2025

P. C.

Heard the learned counsel for the respective parties.

2. Petitioner-APMC, Shegaon (for short 'the petitioner-APMC') has prayed for issuance of directions to the respondents, particularly the respondent no.2 to complete the balance work of godown at Matergaon Market sub-yard of the petitioner-APMC as the respondent no.3-Contractor has stopped the work since December-2020. The godown in question was to be used for the purpose of storage of farm products so as to facilitate and provide convenience to the farmers to have fair price for their agricultural yield.

3. This Court after having caused notice by the reasoned order dated February 04, 2025, by subsequent orders noted the conduct of the respondents in failure to discharge their duties and that being so, this Court had permitted the respondent no.3-Contractor to deposit the costs of Rupees Two Lakhs.

4. It appears that after the proceedings were set in motion, the respondent no.3-Contractor had commenced the balance work of construction. Through an affidavit dated April 19, 2025, it is brought to our notice that the bank guarantee to the tune of Rupees Eighty Lakhs has been furnished by the respondent no.3-Contractor in favour of the respondent no.2 to show its *bona fides* in completing the project in question on or before June 30, 2025. In the said affidavit, the respondent no.3-Contractor has undertaken to complete the balance work of construction of godown in all respects on or before June 30, 2025.

5. As a sequel of above, the counsel for the petitioners submits that the grievance of the petitioners stood redressed. However, the costs deposited by the respondent no.3 be appropriately apportioned for the social cause.

6. The counsel for the respondent no.3 has no objection for the same.

7. That being so, the following order is passed:-

(a) The statement made by the respondent no.3 in paragraph 3 of the affidavit dated April 19, 2025 is accepted as an undertaking to this Court wherein the respondent no.3 has undertaken to complete the balance work of storage godown, which is the subject matter of the present writ petition, by June 30, 2025.

(b) Needless to clarify that if the undertaking is breached, the consequences would follow including that of encashment of the bank guarantee in favour of the petitioners and initiation of the contempt proceedings for violating the undertaking tendered to this Court.

Corrected as
per Court's
order dated
28.07.2025

(c) The costs of Rupees Three Lakhs deposited by the respondent no.3 are directed to be diverted to the account of the Office of the Comptroller, MAFSU, Nagpur.

(d) The Registrar (Judicial) shall take appropriate steps in the matter so that the amount of costs are diverted to the account of the Comptroller, MAFSU, Nagpur, which can be utilized by the said Office for the animal welfare and animal health treatment.

8. The writ petition stands disposed of in aforesaid terms. No costs.

Sd/-
(VRUSHALI V. JOSHI, J.)

Sd/-
(NITIN W. SAMBRE, J.)

Corrected as
per Court's
order dated
28.07.2025

(VRUSHALI V. JOSHI, J.)

(ANIL S KILOR, J.)