



ORDER DATED 17/04/2025

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

WRIT PETITION NO. 4017 OF 2024

(M/s Kulkarni and Sons vs. Union of India and others)

Mr. K.S.Agrawal, Advocate for petitioner.
Mr. N.S.Deshpande, DSGI for respondent No.1 and 2.
Ms.T.H.Khan,AGP for respondent No.3.
Mr. G.A.Kunte, Advocate for respondent Nos.4 to 6.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : APRIL 17, 2025

1) Heard Mr.Kunte, learned counsel for respondent Nos.4 to 6. He has tendered across the bar an affidavit dated 17/04/2025, on behalf of respondent Nos.4 to 6, wherein it is not disputed that excess work to the tune of Rs.61.96 Lakhs was got done from the petitioner. The liability to pay the aforesaid amount to the petitioner is also not disputed. What is disputed that the amount is payable from a sum of Rs.1.54 Crore, lying in the Public Finance Management System Portal, which is created for the implementation of the project. It is also contended that since an enquiry has been initiated against the petitioner regarding an amount of Rs.24,40,141/- the same would be recoverable from the petitioner. It is also contended that as and when the respondent No.2 grants approval, the aforesaid payment would be made.

2) We have yesterday recorded a statement of Mr.Deshpande, learned DSGI to the effect that the respondent No.2 has nothing to do with the extra work got done by the

respondent Nos.4 to 6 from the petitioner. In light of that statement, the liability to obtain approval for the extra work would solely rest with respondent Nos.4 to 6 and would be an issue between respondent No.2 and respondent Nos.4 to 6. The petitioner has nothing to do with the approval.

3) Since there is no dispute that work to the extent of sum of Rs.61.96 Lakhs has been got done by respondent Nos.4 to 6 from the petitioner, as is spelt out from para 9 of the affidavit dated 17/04/2025, we direct the respondent Nos.4 to 6 to deposit the aforesaid amount in this court by 24/04/2025.

4) List the matter for further direction on **25/04/2025**.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)