



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)

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

Court's or Judge's order

Mr. H.H.Jichkar, Advocate for the petitioner.
Mr. N.S.Deshpande, DSGI for respondent No.1.
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 28, 2025

1) The learned counsel for petitioner has tendered across bar an undertaking dated 28/04/2025 which is taken on record and marked as 'X' for the purpose of identification, which states that in case any liability arises due to deficiencies in the tender work or additional work or any defect is pointed during verification by the VNIT then the petitioner would be liable to remove the same by rectifying it.

2) The statement takes care of the apprehension of the learned counsel for respondent Nos.4 to 6; considering which, since it is an admitted position that the amount of Rs.61.96 lakhs is due and payable to the petitioner on account of additional work done by the petitioner, we dispose of the petition by accepting the undertaking as an undertaking to the Court and by directing the release of the payment deposited in this Court by the respondent Nos.4 to 6, to the petitioner. The issue about any penalty, shall be decided independently, and in case the petitioner is held liable will face the consequence for the same.

Insofar as claims of respondent Nos.4 to 6 to get the aforesaid amount reimbursed from the respondent No.2, that is a matter between them and shall be considered and decided by respondent No.2 within four weeks since the proposal has been already received by the respondent No.2 on 11/04/2025, as per the statement of Mr.Kunte, learned counsel for respondent Nos.4 to 6. The petition is accordingly disposed of. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

KOLHE