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

WRIT PETITION NO.1140 OF 2025

M/S CHAPHEKAR AND COMPANY ENGINEERS AND CONTRACTORS, THR.
PARTNER, MR. ASHISH CHAPHEKAR
VS
THE MUNICIPAL COMMISSIONER, THE MUNICIPAL CORPORATION,
AMRAVATI AND ORS.

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

Court's or Judge's orders

Mr. S.S. Ghate, Advocate for the petitioner/s

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 04.02.2026

1. Heard the learned counsel for the petitioner.
2. The petitioner has approached this Court seeking following reliefs :

i) to issue writ in the nature of mandamus or certiorari thereby call for record and proceedings in the matter of work order dated 1.10.2015 (Annexure A) and the Agreement dated 01.10.2015 (Annexure B).

ii) to hold and declare that the respondents were due and liable to pay the amount of GST @ 12% from July, 2017 to 31.12.2020.

iii) to hold and declare that payment of amount of Rs. 67,85,607/- has been made by the petitioner on behalf of the respondents and hence the same be directed to be paid together with interest @12% p.a. till its realization to the petitioner.

iv) Alternatively, direct the respondents to refund the said amount of Rs. 67,85,607/-with interest @ 12% p.a. to the petitioner within the stipulated period.

v) to allow the petition by any other reliefs deemed fit and proper in favour of the petitioner."

3. However, the fact remains that the claim of the petitioner for refund has not been yet rejected by the respondents. The petitioner, vide detailed representation dated 19.03.2023, Page

51, Annexure-E, so also by legal notice dated 18.06.2024, Page 59, Annexure-I, has raised the aforesaid demand of refund before the respondents.

4. The learned counsel for the petitioner, however, points out that the respondent No.1-Municipal Commissioner, Municipal Corporation, Amravati, has not yet decided the aforesaid representation nor has replied to the aforesaid legal notice.

5. Accordingly, we direct the respondent No.1 to decide the aforesaid representation dated 19.03.2023 submitted by the petitioner, so also legal notice dated 18.06.2024 within eight weeks from the date of receipt of this order.

6. The respondent No.1 is further directed to treat the present petition as a representation made by the petitioner and to decide the said representation, taking into consideration the grounds raised in the petition along with the documents annexed thereto.

7. The learned counsel for the petitioner undertakes to furnish copy of this order along with the copy of this petition to the respondent No.1 within two weeks from today.

8. The decision taken shall be communicated to the petitioner within two weeks from the date of such decision.

9. Accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)