



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION NO. 3149 OF 2022**

Shanti Seva Nidhi .. Petitioner  
Versus  
The Project Officer and 2 Ors .. Respondents  
...

Mr. Piyush Raheja a/w Mr. Akash Jain, Mr. Mohammed Lokhandwalla and Mr. Gaurav Edekar i/b Mr. Mansukhlal Hiralal & Co. for the Petitioner.

Mr. Milind More, Addl GP a/w Mr. Akshay Patkar, AGP for the State.

**CORAM: BHARATI DANGRE &**  
**MANJUSHA DESHPANDE, JJ.**  
**DATED : 16th APRIL, 2026**

**ORAL JUDGMENT (PER BHARATI DANGRE J)**

1. Rule. Rule is made returnable forthwith.
2. The Petitioner, Shanti Seva Nidhi, a trust is seeking release of amount due and payable to it, since in the wake of the decision of the State Government, taken on 01/10/2015, which contemplated sanction of grant of Rs. 70,000/- per Adivasi student, to be offered a diploma in Mechatronics and tool and engineering Course for the upliftment of the Adivasi students. The Petitioner was beneficiary of the said scheme and according to the Petitioner, it admitted students in consonance with the said scheme.

For the effective implementation of the scheme, necessary steps were taken and this was verified by the Project Officer, ITDP,



Shahapur, when he carried an inspection about the training being imparted in Mechatronics and tool and engineering, a 3 years diploma course.

The Project Officer forwarded his report to the Additional Commissioner, Tribunal Development Department, on 23/03/2017, providing the details about the year from which the training was imparted by the Trust and setting out the number of students, who were admitted in first year and second year i.e., in the year 2016-2017.

The inspection note also categorically stated that the students were provided uniform, tools and the number of students present on the day of inspection were also recorded. The manner in which the students were selected by the Institute was also verified and the strength of the student was also specifically set out.

The Project Officer, therefore, recommended release of Rs. 44,80,000/- in favour of the Trust for the academic year 2016-2017.

3. The learned counsel, Mr. Raheja, representing the Petitioner submits that the Petitioner Trust run the said diploma course for two batches, the students being admitted in the year 2015-2016 and 2016-2017.

In the year 2021, he addressed a communication to the Project Officer with regards to the subject of release of pending funds under the tribal skill development scheme Mechatronics, Tool and Dye making 3 years diploma course for the year 2015-2016, 2016-2017 through Shahapur Tribal Project Office.



With reference to the inspection conducted by the Project Office, Shahapur on 23/02/2017, the Petitioner communicated that the Government had released a very meager amount and more than 50 % of the amount remained unpaid and because of lack of funds, it has become impossible to run the courses under the scheme.

A request was therefore made for release of the pending fund, the details of which were offered as below:-

*“Pending Fund Details*

*Pending Fund from Tribal Dept. is Rs. 28,70,000/- (This includes TDS & other exp.)*

*1<sup>st</sup> Batch- 3<sup>rd</sup> Year- (19\*70000/-) - 13,30,000/-*

*2<sup>nd</sup> Batch- 2<sup>nd</sup> Year- (11\*70000/-) - 7,70,000/-*

*2<sup>nd</sup> Batch- 3<sup>rd</sup> Year- (11\*70000/-) - 7,70,000/-”*

4. The communication was accompanied with the following document:-

- *01/08/2015 and 23/08/2016 Government Grant Letter*
- *23/03/2017 Inspection Report of Project Office Shahapur*
- *District wise student list for academic batch 2015-16 and 2016-17*
- *Batch wise individual students passing diploma Certificates”*

5. The grievance of the Petitioner today is, non-release of the balance amount and it is the specific contention advanced on behalf of the Petitioner that the Respondent authorities, without any justifiable reason are prolonging the release of the funds, despite the fact that the students, who were admitted in the batch of 2015-



2016 and 2016-2017 have completed their curriculum.

6. The learned Additional Government Advocate, Mr. More, would submit that on 26/03/2021, and recently on 18/09/2025, a communication is addressed to the Petitioner Society demanding certain documents and since these documents are not tendered, the amount claim by the Petitioner is not released.

Inviting our attention to the specific averment in the affidavit filed by the Assistant Project Officer, ITDP, Shahapur, it is the submission of Mr. More that, the Petitioner Organization had admitted 33 tribal students and the project officer has been informed about getting funds for the said students, and there is also a reference of the inspection carried out by the tribal development inspector, where it was found that out of 33 students, 8 students were from outside the district and 25 students were from Thane District.

Apart from this, the affidavit also proceed to state that vide letter dated 7/04/2017, addressed by the Project Officer, Shahapur to the President of Shanti Seva Nidhi, for 53 Scheduled Tribal students, sum of Rs. 36,35,800/- was released, after deducting 2 % TDS on the net amount sanctioned.

As far as the balance claim of Rs. 28,70,000/- addressed by the Petitioner vide its communication dated 26/02/2021, it is stated that the department has sought several documents, which include (i) copy of advertisement made, (ii) date wise attendance register of the students, (iii) the mobile phone numbers of the students, and the placement of the students who are being imparted with the training but since no documents are produced, the request of the Petitioner



could not be considered.

7. Our attention is invited to the additional affidavit filed by the Petitioner pursuant to the order passed by the Court dated 27/02/2025, when the Court directed the Petitioner to resubmit the documents sought by the Tribal Development Department, as indicated in communication dated 26/03/2021. A perusal of the affidavit would reveal that the same is accompanied with the list of the students as well as it include the attendance record of the students who have availed the scheme and this data is furnished with the assistance of Nettur Technical Foundation, who have collected the data of attendance based on biometrics for a period of 3 years from the date of passing out of the students.

8. On perusal of the affidavit and the data accompanied, we are of the view that whatever information was desired by the department is now with it, and we see no difficulty in processing the pending bill of the Petitioner Trust.

We do not find any merit in the submission of Respondent that the placement of the students who are imparted the training is the relevant criteria for release of the amount, as we do not find that this was the part of the scheme. The scheme intended to provide skill development training to tribal students so that they could be gainfully employed and if the Petitioner has imparted the training and which the students have attended and ultimately the diploma/certificates are handed over, the task entrusted to the Petitioner is accomplished and we do not find any justification in withholding the amount.



9. However, we make it clear that if upon scrutiny by the Project Officer, ITDP, Shahapur, District-Thane, i.e. Respondent No.1, any discrepancy is found in the number of students or that the said students had not actually participated in the training program, in that case, the Project Officer is entitle to refuse the release of the proportionate amount as to the number of students.

10. As the Petitioner is waiting for its amount since for more than 5 years, we direct the Project Officer to process the pending bill of the Petitioner in terms of its request dated 26/02/2021, and the said exercise shall be concluded within a period of eight weeks from today.

Needless to state, if the Project Officer desire assistance from the representative of the Petitioner, he is at liberty to secure his presence, so that the issue can be effectively resolved.

The Petition is made absolute in the aforesaid terms.

**(MANJUSHA DESHPANDE, J.)**

**(BHARATI DANGRE, J.)**