Order below application vide Exh. 41 for amendment in the plaint.
(Passed on dated 1.1.2022)

1. Perused the application for amendment in respect of addition of proposed GST amount of Rs.12,86,175/- as claim No.1-A and para No.14-A in plaint and say vide Exh.43 of the defendants. Defendants have opposed the application. Heard, Ld. Adv. Shri S.D. Jamble for plaintiff and Ld. D.G.P. Shri S.V. Deshpande for the defendants, and they have argued as per the submissions made in the application and say respectively.

2. Perused the record. Plaintiff has filed the suit for recovery of amount of Rs.1,52,44,971/-, future interest @ 15% p.a. against the defendants. Defendants have filed the written statement. Issues have been framed at Exh.19. Plaintiff has filed the chief-examination by way of affidavit at Exh.20 on 10.7.2019 and further chief-examination was carried out on 24.7.2019, and matter was kept for cross-examination. Instant application for amendment has been filed by the plaintiff on 18.12.2020.

3. Plaintiff has contended that the Goods and Service Tax Act came into force in the year 2017, and he made the discussion with the department, but department is not inclined to reimburse the GST @ 12% on the work done bill, and the plaintiff is entitled to get the same. Plaintiff is intending to amend the plaint by adding the claim of GST amount of Rs.12,86,175/- against the defendants by way of addition of claim No.1-A and para No.14-A in the plaint. Defendants have contended that there is no condition to pay the GST amount as per the tender agreement of the year 2014. It is not in dispute that the Goods and Service Tax Act came into force in the year 2017 and plaintiff is claiming the entitlement of the GST Tax amount of Rs.12,86,175/- @ 12% on the work done bill, from the defendants. Whether the plaintiff is entitled to get the alleged GST amount or not is a matter of evidence on merit, but same can not be claimed without pleading.

4. The proposed amendment appears to be necessary for effective and proper disposal of the suit claim. If the proposed amendment in respect of addition of the claim of GST amount is added in the plaint, then it will not change the nature of the suit, being the cross-examination of plaintiff is yet to complete by the defendants. Moreover, if the amendment is allowed, then it would not cause any prejudice to the defendants.

5. Looking to the reason mentioned in the application supported by affidavit of plaintiff, facts & nature of suit claim for recovery of amount, I do find that the proposed addition of claim and contents in respect of GST amount in plaint by way of proposed amendment appears to be necessary for proper adjudication of the matter in dispute. In result, the application is liable to be allowed and I proceed to pass the following order.

ORDER

1. Application vide Exh.41 for addition of claim and contents in respect of GST amount as claim No.1-A & para No.14-A in the plaint by way of proposed amendment, is hereby allowed.

2. Plaintiff is permitted to carry out the proposed amendment in plaint within the period of 14 days and to furnish the amended copy of plaint.

Sd/-

Dated : 1.1.2022. (D. P. Ragit)

Latur District Judge-2, Latur.