

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1761/2015

Syed Mainoddin Shadulasb
V/s
The State of Maharashtra and others.

...
Adv.Mr.S.B.Talekar,for petitioner
AGP for Respondent State : Mr.V.D.Rakh
...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 13th February, 2015.

P.C. :

Heard Mr.S.B.Talekar, learned counsel for the petitioner and the learned AGP for the State. The basic grievance of the petitioner is about the extension of time of the period of contract to excavate sand. It is the contention of the petitioner that the petitioner has filed Appeal before the Commissioner for extension of time and or in alternate for refund of the amount for the balance quantity of sand. The same is not decided.

2] In the morning, we had asked learned AGP to take instructions about the status of the Appeal. The learned AGP on instructions states that the Appeal has been decided by the Commissioner on 10/2/2015. According to the petitioner, on 10/2/2015, petitioner had been to the office of the Commissioner and had also applied for certified copy of the Roznama but is not

provided and for the first time, at the time of hearing of this petition the petitioner is coming to know about the orders being passed.

3] The technical bid was opened on 11/2/2015 and the price bid opening is scheduled today at 5 p.m. Mr. Talekar, learned counsel submits that some breathing time be given to the petitioner to assail the order of the Commissioner and take such further steps as would be permissible in law after the order is passed by the Commissioner. The learned counsel prays for a weeks time and to stay auction of sand spot at Yesgi (Manjra river).

4] Considering the fact that the petitioner did not get the knowledge of the order passed earlier and has yet not received the certified copy of the order, we pass following order :

a] The respondents may proceed further with the opening of the price bid, however, in respect of sand spot at Yesgi (Manjra river) the final order of allotment shall not be issued till 18/2/2015. Needless to state the efficacy of this order would come to an end after 18/2/2015. Respondent shall furnish the certified copy of the order of Commissioner dated 10/2/2015 to the petitioner immediately. It is made clear that we have not considered rival contentions of the parties on merits. Contentions of respective parties on merits are kept open. Authenticate copy is allowed.

4] Writ Petition accordingly disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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