

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

990 WRIT PETITION NO. 10068 OF 2015

M/S RATNA COMPUTERS THROUGH ITS PROPRIETOR RAVINDRA
DEVIKANTRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. N.B. Khandare h/f
Mr. Deshmukh Mahesh S.
AGP for Respondents: Mr. N.B. Patil

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: October 09, 2015

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PER COURT :-

1 This Court while disposing of Writ Petition No.9028 of 2014 granted liberty to the petitioner to tender representation/application within a period of one week from the date of the order to the tendering authority and it was directed to the tendering authority to try to resolve the dispute amicably in view of clause (6)of Part 5 of the Tender Conditions. It was directed to the Collector to take appropriate steps and take decision within a period of four weeks from the date of receipt of the representation. The grievance of the petitioner is that, although the Collector was directed to make attempts to resolve the dispute amicably, the Collector unilaterally rendered the decision, without calling the other side, presuming herself to be a deciding authority. It is contended that, the observations made by the Collector are likely to create impediments in the further process of resolving of dispute by an Arbitrator.

2 In the facts of the case, it would be appropriate to dispose of this petition by granting liberty to the petitioner to take recourse to the remedy provided under clause (6) i.e. to approach the sole arbitrator i.e. Divisional Commissioner, Aurangabad for resolution of the dispute. If the petitioner approaches the Arbitrator, the Arbitrator shall, in observance of the relevant procedure, and after extending opportunity of hearing to the parties concerned take appropriate decision. It is clarified that the Arbitrator shall take the decision in the matter, on its own merit without being influenced by the observations made by the Collector, while disposing of the representation tendered by the applicant.

3 With the directions as above, writ petition stands disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)