

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.10475 OF 2015

Prabhakar s/o Rustumrao Shinde

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Vishal A. Bagal, advocate for the petitioner

Mr.A.B.Girase, Government Pleader for Respondents.

**CORAM : R.M.BORDE &**

**P.R.BORA, JJ.**

**DATE : 23rd October, 2015**

**PER COURT:**

1           An affidavit-in-reply has been presented on behalf of Respondents wherein it has been stated that the Chief Engineer has circulated a communication dated 16.09.2015 thereby prescribing a condition in respect of location of plant within the radius of 60 Kms so as to maintain temperature of bituminous material as per specification before laying on site. The earlier condition incorporated in the tender notice in respect of prescription of distance of 45 Kms from the farthest point of work site does not appear to be in consonance with the directives of the Chief Engineer.

2           It is contended that the tender notice was published on 05.10.2015 and the communication dated 16.09.2015 was received on 12.10.2015 and, therefore, said directive of the Chief Engineer was not incorporated in the tender notice published by the

department.

3           It is also stated by the learned Government Pleader, appearing for Respondents, that appropriate correction would be made in the tender conditions in accordance with the directives issued by the Chief Engineer and the tender process would be pursued.

4           In view of the statement made above, grievance raised in the instant petition stands substantially redressed.

5           Writ Petition accordingly stands disposed of.

**P.R.BORA**  
**JUDGE**

adb/wp1047515

**R.M.BORDE**  
**JUDGE**