

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10743 OF 2015

M/s. Solunke Construction
(Engineers & Contractor)
Through its Managing partner

...PETITIONER

VERSUS

The Executive Engineer,
Nasik Central Division,
Central Public Works Department,
Nashik.

...RESPONDENT

WITH

WRIT PETITION NO.10806 OF 2015

M/s. Solunke Construction
(Engineers & Contractor)
Through its Managing partner

...PETITIONER

VERSUS

The Executive Engineer,
Nasik Central Division,
Central Public Works Department,
Nashik.

...RESPONDENT

...
Mr.N.B. Khandare Advocate for Petitioners.
Mr.S.B. Deshpande, Assistant Solicitor
General for Respondent.
...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 22ND DECEMBER, 2015

ORDER :

1. Learned counsel for the Petitioner, on instructions, seeks leave to withdraw these Petitions.

2. It is noticed that the Petitioner, on presentation of these Petitions, persuaded this Court to stay the tender process and to direct the Respondent to consider the tender offer of the Petitioner along with the other tender offers. In pursuance to the directions issued by this Court the Respondent authorities have considered the tender offer of the Petitioner and noticing that Petitioner has quoted the lowest amount, accepted his offer. The Petitioner, now, intends to back

out and does not intend to fulfill the obligations and is not in a position to accept the proposal of the Respondent. The Petitioner has taken undue advantage of the process of the Court and has persuaded us to direct the Respondent to consider his tender offer and after noticing that his tender offer is considered favourably, for the reasons best known to him, has backed out and refused to perform his obligations. According to us, the Petitioner has abused the process of Court. As such, while permitting the withdrawal of both the Petitions, we direct the Petitioner to deposit costs of Rupees One Lakh in each of the Petition, with Respondent Department. The amount of costs shall be paid within four weeks from today.

3. In the event of failure of the Petitioner to deposit the costs as directed above, it would be open for the Respondent Department to enforce the recovery by observing the procedure laid down

under the Land Revenue Code.

3. In view of disposal of Writ Petitions,
pending Civil Applications stand disposed of.

[A.I.S. CHEEMA, J.]

asb/DEC15

[R.M. BORDE, J.]