

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 675 OF 2015
IN/AND
WRIT PETITION NO. 1563 OF 2015

(M/s Universal Transport Service, Chandrapur & others Vs. Mah. State Warehousing Corporation & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. A. Padhye, Advocate for the petitioners.
Shri N. R. Saboo, Advocate for the respondents.

CORAM : B. P. DHARMADHIKARI
AND S. B. SHUKRE, JJ.
DATED : 08 APRIL, 2015

The petitioner has moved this application seeking leave to amend the petition.

This Court has on 01/4/2015 granted time to parties to file reply to prayer for amendment and also to writ petition. Accordingly, replies have been filed. The proposed intervenor has also filed the reply.

Senior Advocate Shri R. N. Dhoade with Advocate Shri Dhande has strongly opposed prayer for amendment. He briefly gives history to show how the stale challenge is sought to be incorporated at this stage. According to him, the issue of black listing and challenge thereto needs to be viewed independent of the tender sought to be questioned.

Advocate Shri Saboo, who appears for respondents No. 1 to 3 submits that he has no objection if amendment is allowed.

In this situation, we grant leave to amend.

Necessary amendment to be carried out by 09/4/2015.

As replies are already on record, hearing to proceed further.

W.P. NO. 1563/15 :

Heard for some time.

Our attention has been invited to the documents filed with rejoinder by Advocate Shri Padhye to urge that if action of black listing was taken against the petitioner, it also ought to have been taken against respondent No.4 (newly added).

Advocate Shri Saboo for respondents No. 1 to 3 points out that he has received documents today in the Court at 2.00 p.m. and he has no instructions about the same. Senior Advocate Shri Dhoadе also expressed same difficulty. He also states that prima facie the documents show events which are subsequent and, therefore, not relevant for present consideration.

However, considering those documents, we

grant parties opportunity to file their respective responses by **10/4/2015**.

Interim order to continue. However, we have also taken note of the fact that respondents No. 1 to 3 have written to Food Corporation of India on 01/4/2015 not to dispatch food grains till 08/4/2015. Thus, said respondents have refused to perform the work entrusted for which it is constituted.

List the matter on **10/4/2015**. High on Board.

JUDGE

JUDGE