

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

WRIT PETITION NO.2321/2015

Shri Ravindra s/o Kalidas Deshpande

...Versus...

State of Maharashtra, through its Secretary, Department of Water Resources,
Mantralaya, Mumbai and others

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

Court's or Judge's orders

Shri A.S. Dhore, Advocate for petitioner
Shri A.S. Fulzele, AGP for respondent no.1
Shri V.G. Palshikar, Advocate for respondent nos.2 and 3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 10.09.2015

By this petition, the petitioner seeks a direction to the Superintending Engineer, Vidarbha Irrigation Development Corporation, Nagpur and the Executive Engineer, Lower Wardha Canal Project to issue the work order in pursuance of e-tender no.5 in favour of the petitioner for construction of earth work and structures in lower Wardha project.

The respondent no.2 had published e-tender in the year 2012, thereby inviting bids from the contractors for construction of earth work and structures in lower Wardha project. The petitioner submitted his bid and the bid of the petitioner was accepted on 7.1.2013. Though the petitioner's bid was accepted on 7.1.2013 and the respondents did not issue a

work order in favour of the petitioner for long, the petitioner did not take any steps in the matter except making representation to the respondents to issue the work order in favour of the petitioner. The petitioner has filed the instant petition on 21.4.2015 for a direction to the respondents to issue the work order in his favour.

The petition suffers from laches. There is an inordinate delay in filing the writ petition. If the petitioner's bid was accepted on 7.1.2013 and if the work order was not issued in favour of the petitioner within a month or a couple of months from then, the petitioner ought to have immediately filed the proceedings for a direction to the respondents to issue the work order in favour of the petitioner. The petitioner has waited for more than two long years without any reason. The petitioner cannot seek the benefit of the internal communication between the respondent nos.2 and 3 dated 30.12.2014, wherein it is stated that further advice and permissions are necessary in the matter of grant of tender. It appears that the respondents have decided not to act upon the tender notice, that was floated more than two and half years earlier. It would not be possible for this Court to now direct the respondents after a period of nearly three years from the issuance of tender to issue the work order in favour of the petitioner. The petition suffers from laches. The inordinate delay in filing the petition has not been explained, much less satisfactorily.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

At this stage, the petitioner states that the petitioner is desirous to approach the civil Court to seek the damages.

In view of the statement, the points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar