

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1305 OF 2016

M/s Asht Bhuja Fire Safety and Multi
Services and Enterprises

Petitioner

Versus

Union of India & others

Respondents

Mr.Rahul G. Joshi, advocate for the petitioner.
Mr.B.B.Kulkarni, advocate for Respondent No.1.
Mr.K.B.Chaudhari, A.G.P. for Respondents No.2 and 3.
Mr.C.V.Joshi, advocate for Respondent No.4.
Mr.S.S.Vidwauns, advocate for Respondents No.5 & 6.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.**
DATE : 19th July, 2016

PER COURT:

1 The tender work was initially allotted by Respondents for supplying man power in favour of Respondent No.4 for a period commencing from 01.01.2016 up to 31.12.2016. However, Respondent No.4 abruptly withdrawn tender work for the reason that he was not permitted to renew the license.

2 As a result of abrupt withdrawal of the work by Respondent No.4, there was an emergent situation and considering element of necessity, the work was allotted to the next lowest tenderer i.e. Respondent No.5. Respondent No.5 is carrying out the tender work which was initially allotted to Respondent No.4.

3 Respondents do not controvert the contentions raised by petitioner that in such a situation, it was obligatory on the part of the respondents to initiate fresh tender process and select an agency.

4 In the facts of the case and considering difficulty disclosed by the Respondents, we deem it appropriate to accept the suggestion put forth by the Respondents in paragraph no.8 of the undertaking tendered today. It is contended that fresh tender process may take 30 to 45 days and during intervening period, Respondent No.5, who has been allotted the tender work, may be permitted to carry out the tender work.

5 The suggestion put forth by Respondents, in the facts and circumstances of this case, is accepted. Respondents shall complete the tender process, as expeditiously as possible, preferably within sixty days and in the meanwhile, it would be open for the Respondents to continue to secure services from Respondents No.5 and 6 – agencies.

6 In view of above, writ petition stands disposed of.

K.L.WADANE
JUDGE

adb/wp130516

R.M.BORDE
JUDGE