

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3591 OF 2016

M/s Satpuda Adiwasi Mahila Swayarojgar Seva Sahakari Sanstha Ltd. Yawal Dist.Jalgaon through its Chairman Smt.Mairam W/o Sanjay Tadvī Vs. The State of Maharashtra and another.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.S.S.Thombre, advocate for the Petitioner.
Mr.S.S.Dande, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**

Date : 13.04.2016.

PER COURT :

1. Heard.

2. Mr.Thombre, learned counsel for the petitioner submits that in the month of May 2015, the tender of the petitioner was accepted. However, the work order was issued only on 29.2.2016 and now the Respondents have floated fresh tender for academic year 2016-17. The learned counsel submits that the petitioner was not at fault. The petitioner was a successful bidder. If at all the fault lies, it is with the Respondents. The petitioner can not be made to suffer because of the fault of the Respondents. The petitioner has spent huge amount after tender of the petitioner was

accepted. The petitioner is a tribal Mahila Cooperative Society. According to the learned counsel, the Respondents need to be directed to issue work order for complete one year as per the earlier tender pursuant to which petitioner was successful bidder.

3. Mr.Dande, learned A.G.P. submits that the work order can not be issued to the petitioner beyond the tender period. There is no provision of giving extension to the petitioner society. There were technical flaws in the earlier tender.

4. We have considered the submissions. The tender is for supply of meals to the Government Hostels for tribal boys and girls. The said tender notice was issued on 11.5.2015. The petitioner it appears was issued work order on 29.2.2016. Perusal of the work order, it transpires that the said work order was for academic year 2015-16 or till further orders of the said Department. The work order issued to the petitioner is specific. Earlier tender notice was also for one year i.e. academic year 2015-16 and for academic year 2016-17 fresh tenders are issued. The fresh tender if issued, the petitioner can participate in the same. However, as the tender period pursuant to which the petitioner had filled in the bid, the said period itself has come to an end. The case of the petitioner can not be considered.

5. If the petitioner is aggrieved and has been put to loss, the petitioner has remedy to claim damages as is permissible in law.

6. The Writ Petition is accordingly disposed of. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.13.04.2016.
asp/office/wp3591.16