

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

WRIT PETITION NO.1421 OF 2016

Nitin Arunrao Shende

-vs-

State of Maha.Rural Development and Water Conservation Deptt.and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.H.R.GAdhia, counsel for the petitioner.
Mr.Nikhil Joshi, A.G.P. for the respondents.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : 15.04.2016.

By this writ petition, the petitioner challenges the communication of the respondent Nos.1 to 3, dated 09/07/2015 rejecting the representation of the petitioner for grant of contract, in pursuance of the tender floated in the year 2009.

In pursuance of the tender floated by the respondent Nos.1 to 3 in the year 2009, the petitioner had offered his bid and was the lowest bidder. Since the petitioner was not awarded the contract, the petitioner filed a writ petition bearing Writ petition No.4331 of 2011, seeking a direction to the respondents to award the contract in favour of the petitioner. This Court, by an order dated 10/01/2012, dismissed the writ petition, filed by the petitioner. This Court held that by the said writ petition, the petitioner was seeking the enforcement of a contract and the Court was not inclined to undertake the said exercise. The petitioner was, however, granted permission to participate in a fresh tender, if at all, it was floated by the respondents. The respondents floated the fresh tender in the year 2012 in which the petitioner did not participate. Without participating in the tender process initiated in the year 2012, the petitioner went on making

representations to the respondents seeking the award of contract on the basis of the tender floated in the year 2009. The said representations were, however, rejected by the respondents by the impugned order, dated 09/07/2015. The petitioner has challenged the said order in the instant petition.

On hearing the learned counsel for the petitioner, we find that the petitioner has abused the process of this Court by filing the instant writ petition. The earlier writ petition filed by the petitioner bearing Writ Petition No.4331 of 2011 seeking the award of contract in favour of the petitioner, in pursuance of the tender floated in the year 2009, was dismissed. The petitioner still persisted in making representations to the respondents for awarding the contract, in pursuance of the tender floated in the year 2009, though a fresh tender was floated in the year 2012 and certain work was also in progress. The action on the part of the petitioner of making the representation, despite the dismissal of the previous writ petition and challenging the order rejecting the representation, is required to be frowned upon.

In the circumstances of the case, we dismiss the writ petition with costs of Rs.5,000/-.

JUDGE

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