

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3602/2016

(Antoday Swayam Rojgar Sewa Sahkari Sanstha Maryadit vs. State of Maharashtra and others)

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

Court's or Judge's order

Shri R.K.Joshi, Advocate for the petitioner

Shri Ambarish Joshi, Assistant Government Pleader for Respondents

CORAM : **SMT. VASANTI A.NAIK &
MRS.SWAPNA JOSHI, JJ.**

DATED : **28th June, 2016**

Heard.

By this Writ Petition, the petitioner-Sanstha has challenged the decision of the respondent no. 3-Municipal Council, Ballarpur, allotting the work of door-to-door waste collection, in favour of the respondent no.4.

According to the petitioner, the respondent No.3-Municipal Council could not have allotted the work to the respondent no.4 by the impugned resolution dated 19.12.2015. It is stated that the tender conditions were arbitrary as there was a discrepancy about the condition in respect of the annual turnover. It is submitted that the estimated rates of the work that was required to be done, was not stipulated in the tender and the entire tender process is liable to be set aside.

On hearing the learned counsel for the parties, we are not inclined to entertain the Writ Petition as there is a considerable delay in filing the same. If the tender was floated on 6.10.2015, and the petitioner found deficiencies/ illegalities in the tender, the petitioner ought to have approached this Court immediately. The petitioner had neither participated in the tender process nor did the petitioner challenge the same. The petitioner without participating in the tender, raised an objection in regard to annual turnover. The pre-bid meeting was held on 14.10.2015 and it appears that the objection of the petitioner was rejected. The petitioner did not take any steps and approach any forum till the Writ Petition was filed on 22.6.2016. It was necessary for the petitioner to approach this Court before the date of bidding, pointing out the irregularities in the tender. The petitioner has belatedly filed this Writ Petition after the work is awarded to the respondent no.4 by the impugned resolution dated 19.12.2015. The petition is filed on 22.3.2016. Though the Writ Petition was filed on 22.3.2016 the objections were not removed till 22.6.2016 and the matter was not circulated for hearing though circulation is easily granted. It is rightly submitted on behalf of the State Government by the learned Assistant Government Pleader that in the circumstances of the case, this Court may not show indulgence in the matter.

Hence, we dismiss the Writ Petition, with no order as to costs.

JUDGE

JUDGE

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