

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

WRIT PETITION NO.2271/2016

Gadgebaba Masemari Sahakari Sanstha, Barad, Tah. Babulgaon, Distt. Yavatmal
through its President

...Versus...

The State of Maharashtra, through its Principal Secretary Department of
Fisheries, Mantralaya, Mumbai – 32 and another

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

Court's or Judge's orders

Shri F.T. Mirza, Advocate for petitioner
Shri S.M. Ukey, Addl. G.P. for respondent no.1

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

DATE : 02.05.2016

By this writ petition, the petitioner challenges the e-tender floated by the respondent for grant of fishing rights in Bembla tank, District Yavatmal for the period from 2015-16 till 2019-20.

It is the case of the petitioner that the Government Resolution, dated 26.11.2014 provides that whenever the contracts for fishing rights in a water body for an upset price of more than Rs.3,00,000/- is liable to be awarded, an e-tender should be floated so that all the concerned societies would be entitled to participate in the tender. It is stated that by the said Government Resolution the State Government does not provide for the issuance of e-tenders for awarding contracts of fishing

rights with upset price that is lower than Rs.3,00,000/-. It is stated that since the tender for fishing rights in Bembla tank is less than Rs.3,00,000/-, an e-tender could not have been floated.

The learned Additional Government Pleader appearing on behalf of the respondent no.1 states that though it is prescribed by the Government Resolution, dated 26.11.2014 that the e-tenders should be floated while awarding the contracts of fishing rights for a tank with upset price of more than Rs.3,00,000/-, there is no prohibition for issuance of e-tender while awarding the contracts for a lesser amount.

Since there is no bar in any of the Government Resolutions against the floating of e-tenders for awarding contracts for fishing rights for less than an amount of Rs.3,00,000/-, the petitioner cannot effectively challenge the tender notice. The petitioner cannot claim any right in the petitioner to challenge the notice, unless the Government policy provides that there should be no e-tendering while awarding the contracts of fishing rights for a lesser amount.

Since there is no merit in the challenge raised by the petitioner to the e-tender floated by the State Government, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE