

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

WRIT PETITION NO. 3447/2016.

M/s. Atasha Ashirwad Builders, Nagpur.

-VERSUS-

The State of Maharashtra and others.

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

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : JUNE 22, 2016.

Heard Shri A.A. Naik, learned Counsel for
the petitioner.

2. After participation in a tender process floated by respondent no.2, petitioner who earlier had separate registration with Rural Development Department, has come up with a contention that his registration with Public Works Department must be accepted as sufficient. It is pointed out that Zilla Parishad, Nagpur in similar tender has prescribed registration with State Public Works Department as sufficient.

3. Shri Naik, learned Counsel contends that

2

Rural Development Department and Public Works Department are two arms of the State Government, and hence registration with Public Works Department must be held as sufficient. He therefore, contends that condition imposed vide Clause A 1.4.3, which requires a valid certificate as registered contractor with Zilla Parishad (R.D.D.) is, unsustainable.

4. In alternate, he points out that the petitioner was registered as such contractor with Rural Development Department till 2014. On 18.03.2016, he has again applied for that registration and Zilla Parishad, Nagpur has forwarded that request with a favourable recommendation on 18.03.2016 itself. According to him, in this situation, registration with R.D.D. is bound to follow.

5. He adds that in present situation, the above impugned condition A 1.4.3 is futile or then non essential one.

6. We find that the petitioner has participated in the tender process of Zilla Parishad, Wardha and after rejection of his bid has chosen to approach this Court with above arguments.

7. Taking over all view of the matter, we are

3

not inclined to intervene in extra ordinary jurisdiction in present case. However, leaving all contentions open, we dispose of the present Writ Petition with no order as to costs.

JUDGE**JUDGE**

Rgd.