

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

Writ Petition No.6131/2016

**(Mahalaxmi Bahuddeshiya Seva Saha. Sanstha Ltd. and ors. .vs.
Chandrapur City Municipal Corporation, Chandrapur)**

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

Court's or Judge's orders.

Mr. A.P. Raghute, Advocate for Petitioners.

CORAM : B.R. Gavai & V.M. Deshpande, JJ.
DATED : October 19, 2016.

1. Heard Mr. Raghute, learned counsel for the petitioners.
2. The petitioners have approached this Court challenging E-tender notice dated 29.09.2016.
3. Mr. Raghute, learned counsel for the petitioners submits that initially the petitioners were awarded contract which was to be valid till 31.03.2014. It is further submitted that the said contract was subsequently extended for an unlimited period. It is further submitted that the respondent-Corporation without terminating the contract already in existence, has issued the present tender.
4. Mr. Raghute further submits that the amount which was paid by the Municipal Corporation to the petitioners, was not inconsistent with the minimum wages notification. It is submitted that as such the huge liability has come upon the

petitioners. It is submitted that if the tender is not continued, it was impossible for the petitioners to pay the said amount to the workers.

5. A person who is awarded a contract cannot have a right for unlimited continuation of the same. Admittedly the tender period came to an end on 31.03.2014. If the petitioners are continued thereafter at the mercy of the Corporation, no vested right would accrue in favour of the petitioners for continuation of the contract.

6. Insofar as the issue regarding the payment is concerned, the same cannot be a subject matter of this petition. The petitioners can very well take recourse to such remedies as are available in law for recovery of the amount from the Corporation.

7. No case is made out in extra ordinary jurisdiction under Article 226 of the Constitution of India. Writ petition is rejected.

JUDGE

JUDGE

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