

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10183 OF 2017

Ambika Hamal Kamgar Sahakari Sanstha .. Petitioner
Maryadit, Shevgaon,
Tq. Shevgaon, Dist. Ahmednagar,
Through its Chairman,
Pradip s/o. Nanasaheb Kale,
Age. 30 years, Occ. Labour,
R/o. Wadule (Bk), Tq. Shevgaon,
Dist. Ahmednagar.

Versus

1. The State of Maharashtra .. Respondents
Through its Secretary,
Food, Civil Supply and Consumer
Protection Department, Mantralaya,
Mumbai – 32.
2. The Deputy Commissioner (Supply),
Nashik Division, Nashik.
3. The District Collector,
Ahmednagar, Dist. Ahmednagar.
4. The Tahsildar
Tahsil Office Rahuri,
Tq. Rahuri, Dist. Ahmednagar.
5. Hamal Mathadi Kamgar Seva
Sanstha Maryadit, Rahuri,
Through its Chairman,
Gangadhar s/o. Chimaji Sangle,
Age. 55 years, Occ. Labour,
R/o. Sangle Vasti, Tanpurewadi,
Rahuri, Tq. Rahuri,
Dist. Ahmednagar.

Mr.B.G. Sagade, Advocate for the petitioner.
Mr.A.V. Deshmukh, A.G.P. for respondent/State.
Mr.Rahul B. Tenak, Advocate for respondent No.5.

**CORAM : R.M. BORDE &
S.M.GAVHANE, JJ.
DATED : 14.08.2017**

ORAL JUDGMENT [PER : R.M. BORDE, J.] :-

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. The petitioner-society was allotted the work in respect of loading and unloading of the food grains at Government Godown, Rahuri, after cancellation of the contract issued in favour of respondent No.5-Society by order dated 11.04.2017, passed by the Collector, Ahmednagar. The adverse order passed by the Collector on 11.04.2017 was a matter of challenge before the Dy. Commissioner (Supply) Nashik Division, Nashik, in Arbitration Application No.01 of 2017. In the appeal presented before respondent No.2-Dy. Commissioner, the petitioner herein was not made party. The Dy.

Commissioner proceeded to allow the appeal and directed to quash the order issued by the Collector allotting the contract for remaining period in favour of the petitioner and it has been directed to restore the contract, which was allotted initially in favour of respondent No.5. It is noticed that though the order adverse to the interest of the petitioner has been passed by the Dy. Commissioner, the petitioner was not impleaded as a party to the Arbitration Application, nor was heard by the deciding authority before passing the adverse order. Since the order passed by the Dy. Commissioner (Supply), Nashik Division, Nashik is issued in violation of the principles of natural justice, same deserves to be set aside. Respondent No.5 undertakes to implead the petitioner as a party respondent in the Arbitration Application presented before the Dy. Commissioner.

3. The writ petition is allowed. The order impugned in this petition dated 24.07.2017 passed by the Dy. Commissioner (Supply), Nashik Division, Nashik is quashed

and set aside and the matter stands remitted back to the same authority for taking decision in accordance with law. The petitioner as well as respondent No.5 assure to appear before the deciding authority on 21.08.2017. The Dy. Commissioner (Supply), Nashik Division, Nashik, shall decide the appeal on its own merit and after extending an opportunity of hearing to the petitioner herein as expeditiously as possible, preferably within a period of 15 days from the date of appearance of the parties before him.

4. Rule made absolute accordingly. There shall be no order as to costs.

[S.M.GAVHANE, J.]

[R.M.BORDE, J.]