

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9984 OF 2014

Shri Sadguru Hamal Kamgar
Sahakari Sanstha, Nanded

Petitioner

Versus

State of Maharashtra & others

Respondents

Mr.S.V.Kurundkar, advocate holding for Mr.M.D.Narwadkar, advocate for the petitioner.

Mr.S.R.Yadav Lonikar, A.G.P. for Respondents No.1 to 4.

Mr.Yuvraj Barahate, advocate for Respondent No.5.

CORAM : S.B.SHUKRE, J.

DATE : 07th MARCH, 2017

PER COURT:

1 Heard learned Counsel for the petitioner, Shri Lonikar, A.G.P. for respondents No.1 to 4 and Shri Barahate, learned Counsel for respondent no.5.

2 By this petition, the order dated 19th August, 2014, terminating the contract awarded to the petitioner, has been challenged.

3 Prayer clause (B), made in the petition, is as follows:

(B) By issuing Writ of Certiorari or any other Writ or Order of like nature, the Order dated 31/10/2014 passed by Divisional Commissioner, Aurangabad in File No.2014/Supply/S-1/CR-17 and Order dated 19/8/2014 passed by District Collector, Nanded in File No.2013/puvi/prasha-8A/CR-52 be quashed and set aside.

4 By prayer clauses (D) and (E), interim directions have been sought. By prayer clause (E), which is the last prayer clause, some just

and equitable relief, suitable in the facts and circumstances of this case, is claimed.

5 What is material is prayer clause (B). This prayer clause clearly shows that the legality and correctness of the order dated 19th August, 2014 as well as order dated 31.10.2014, confirming the order dated 19.08.2014, has been questioned. These orders only terminated the contract even before expiry of period of validity of the contract. The validity period of contract was from 01.11.2013 to 31.10.2014.

6 In these circumstances, even if legality and correctness of these orders is examined, it would be of only academic nature and this Court cannot extend the validity period of the contract. There is also no other relief claimed in the petition. Therefore, although it is submitted by learned Counsel for the petitioner that this petition is still partly alive, the submission cannot be accepted. By efflux of time, the prayer made in the petition is itself rendered infructuous and any discussion on the legality of the impugned orders would only be of academic nature.

7 In these circumstances, writ petition is disposed of. Pending Civil Application No.1409 of 2015 does not survive and stands disposed of.

S.B.SHUKRE
JUDGE

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