

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2008 OF 2014

M/s. M.S. Punjabi ... Petitioner
V/s.
State of Maharashtra
through Public Works Department & Ors. ... Respondents

Ms. Kavita Arvind Shah for the Petitioner.
Ms. Jyoti Jadhav, A.G.P. for the State.

**CORAM : ANOOP V. MOHTA AND
MANISH PITALE, JJ.**

DATE : 9th NOVEMBER, 2017.

FINAL ORDER :

1 Called out from final hearing board.

2 Petitioner has invoked Article 226 of the Constitution of India by filing present Writ Petition on 30.01.2014 and challenged the tender and tender notice dated 02.08.2013 which was for the year 2013-2014 invited by the Public Works Department, Public Works Region, Pune, for the work of improvement to Manchar Belhe

Road SH-53 (SH-112). This Court passed following order on 21.02.2014 while issuing notice :-

“ . Not on board. Taken on board.

1 Heard the learned counsel for the petitioner. Petition to be listed on 25th March 2014. The Advocate for the petitioner to serve notice to the office of the Government Pleader. In the meanwhile, issue notice to the respondent Nos.5 and 6. We make it clear that all further steps on the basis of the work order will be subject to further order which may be passed in this petition.”

There was no interim relief and/or protection in favour of the Petitioner against tender process. The Writ Petition is pending since then. Now the Petition is listed for final hearing.

3 We are inclined to dispose of the present Writ Petition as the basic period of contract is already over. Merely because it is directed that all further steps on the basis of work order will be subject to the further order of this Court, in our view, this is no reason to consider and grant the relief so prayed, since it is not possible to implement the same, in view of the circumstance so referred above. The issue, even if any, raised by the Petitioner is sought to be considered on facts, the same also cannot be

considered in the present petition at this stage of the proceeding. Therefore, by keeping open the remedy, if any, available to the Petitioner, we are disposing of the present Writ Petition being rendered infructuous. Rule accordingly discharged with no order as to costs.

(MANISH PITALE, J.)

(ANOOP V. MOHTA, J.)