

psv

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

WRIT PETITION NO.11447 OF 2016

Vitthal Refined Sugars Ltd.	..Petitioner
Vs.	
The Maharashtra State Electricity Development Company Ltd. & Ors.	..Respondents

Mr.Tejesh Dande for Petitioner.
 Mr.Ashish Singh i/b. M/s.DSK Legal for Respondent Nos.1 and 2.
 Mr.R.S.Pawar, AGP for Respondent No.3.
 Mr.Nitin Gaikwad, Under Secretary, Urja-7, Industries, Energy and
 Labour Department, Mantralaya.

**CORAM : SHANTANU S. KEMKAR AND
G.S. KULKARNI, JJ.**

DATE : 24th NOVEMBER 2017

P.C.:

After arguing for sometime, the learned Counsel for the petitioner submits that this petition may be disposed of by directing the respondent Nos.3 and 4-State to consider the petitioner's claim in case they take a decision for enhancing the target of power plant generation from Biomass-based project to Bagasse based project.

2. The learned AGP, on instructions, submits that now the policy of the State is to invite bids. He however, submits that if the policy decision is taken enabling the State Government to consider the petitioner's claim, the petitioner's claim will be considered in

accordance with law on its own merits. He further submits that in case the bids are invited, it is always open for the petitioner to participate in the bids and as per the qualification, the bids will be considered and appropriate decision will be taken.

3. In view of the aforesaid submission, we dispose of this petition by directing the State to consider the petitioner's claim in accordance with law on its own merits, in case the earlier procedure is continued. However, in case the State decides to issue tenders, it is open for the petitioner to participate in the bids in accordance with law and terms and conditions of the bids.

4. With the aforesaid direction, the petition is disposed of.

[G.S. KULKARNI, J.]

[SHANTANU S. KEMKAR, J.]