

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

CIVIL APPLICATION (CAW) NO.754 OF 2017
IN
WRIT PETITION NO.4100 OF 2008

Mohammed Iqbal John Mohammed Qureshi, Bhandara
-vs-
The Collector, Bhandara

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

Court's or Judge's Orders.

Shri S. Borkar, Advocate for petitioner.
Ms R. V. Kalia, AGP for respondent.

CORAM : B. R. GAVAI &
A. S. CHANDURKAR, JJ.
DATE : April 04, 2017

Shri S. Borkar, learned counsel for the petitioner submits that the issue in the present petition is squarely covered by the judgment of Division Bench in *Western Coalfields Ltd. Rajur vs. State of Maharashtra and anr. 2010(6) Mh.L.J. 831.*

Prima facie we are of the considered view that the issue involved in the present case and the issue involved in case of *Western Coalfields Ltd.* (supra) are totally different. The issue involved in the said case was as to whether if a tenderer refuses to continue with the tender process, apart from forfeiture of his 25% earnest money

whether he is liable to pay 75% of the balance amount even if he does not desire to continue with the tender.

In the present case the question is as to whether a highest bidder who has deposited 25% earnest money is liable to forfeit the said earnest money if he does not desire to continue with the tender process for auction of sand ghat.

In that view, we find that the present case cannot be covered by the said judgment in **Western Coalfields Ltd.** (supra). Hence the application is rejected.

JUDGE

JUDGE