

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 3614/2016
with
CIVIL APPLICATION (W) NO.1809/2016

(Jatyshree Matsya Vyayasaya Sah. Sanstha Maryadit vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. V.D.Raut, Advocate for petitioner
Mrs. Ketaki Joshi, A.G. P. for respondent nos.1 to 3
(Mr A.M.Ghare, Adv. for **intervenor** in CAW : 1809/2016)

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATED : 18th January, 2017

Heard.

Adv. Raut submits that in somewhat similar facts, extension of five years was granted by respondent no.3 to one of the Fishing Co-operative Societies and petitioner is also entitled to it. He has invited our attention to Government Resolution dated 26th Jun, 2014, particularly clause 4.4 thereof, to urge that if during previous tenure a Fishing Society invests Rs. 25 lakhs or more as capital expenditure, fresh tender need not be invited and an extension of five years is to be allowed, three such extensions can be granted. However, during arguments, he fairly states that this Government Resolution dated 26th June, 2014 is stayed by State Government itself.

The tenure of petitioner-society of five years has expired in June,2016. Admittedly, the petitioner has not incurred capital expenditure of Rs. 25 lakhs during its tenure. As such, in any case, the petitioner could not have invoked above-mentioned

clause 4.4.

In this situation, it is apparent that there has to be fresh invitation and petitioner as also others, including the intervenor, if eligible, are free to participate in it.

Merely because some extension was given by respondent no.3 in deviation of policy decision, that does not clothe petitioner with any right. Hence with this observation, we dispose of the Writ Petition. No costs.

Civil Application for intervention is also disposed of.

JUDGE

JUDGE

sahare