

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.621 OF 2018

Ashtavinayak Enterprises

..PETITIONER

VERSUS

The State of Maharashtra,
and others.

..RESPONDENTS

.....

Shri Ravindra Vitthal Gore, Advocate for the
petitioner.

Shri A.B. Girase, Government Pleader for the
Respondent/State.

.....

**CORAM: S.S.SHINDE &
S.M.GAVHANE, JJ.**

DATE : 18.01.2018

PER COURT :

Heard.

2. Learned counsel appearing for the petitioner submits that, on 3rd January, 2018 at the time of e-auction the Mobile Internet Services were suspended for 24 hours for the first time in Aurangabad city. He submits that, as on that day due to State-Wide Bandh called by several organizations to protest against the incident of Bhima Koregaon

village, where Dalits from across the State had gathered to celebrate the 200 Anniversary of Battle of Bhima Koregaon. At the relevant time, the petitioner was using Jio Mobile Internet Service, which was suspended at 3.00 p.m. on 3rd January, 2018. By that time, the petitioner had put bid amount 5 times and he had put his bid amount last at 14.55 p.m. Thereafter, due to suspension of Mobile Internet Services, he could not participate in the e-auction held by respondent no.2.

Therefore, he prays that, keeping in view aforementioned difficulties faced by the petitioner, Respondent No.3 may be directed to cancel contract in favour of Respondent No.4 in pursuant to Tender Notice dated 15th December, 2017 regarding Sand Belt Ghandhari, Tq. Ambad, Dist. Jalna, and undertake the exercise of re-auction of sand spot allotted in favour of Respondent No.4.

3. We have considered the submissions advanced by learned counsel appearing for the petitioner and learned Government Pleader appearing for the Respondent/State.

4. Admittedly, already Respondent No.4 is selected being successful bidder in e-Auction on 3rd January, 2018 and contract has been awarded to him. There was no malafides as such on the part of the Respondent Authorities. To appreciate the aforesaid contentions of learned counsel appearing for the petitioner, would amount an adjudication of the disputed questions of facts. In that view of the matter, we are not inclined to entertain the Writ Petition. Hence the Writ Petition stands rejected.

[S . M . GAVHANE]
JUDGE

[S . S . SHINDE]
JUDGE