

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

WRIT PETITION NO. 11339 OF 2015

Siddharth Magasvargiya and
Hamal Kamgar Sahakari Sanstha Maryadit,
Ahmedpur, District Latur,
through its Chairman,
Kisan S/o Saganaji Hanumante ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr A. M. Kulkarni, Advocate for the petitioner
Mrs M. A. Deshpande, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 06TH APRIL, 2018.

ORDER:

1. Mr Kulkarni, the learned counsel for the petitioner submits that, the respondents are not issuing tender as per the Government Resolution dt. 12.09.2014 and for the said purpose relies on the clause '1' of the said Government Resolution. According to the learned counsel, same contractors are given the work since the year 2008 thereby depriving the others to compete.

2. The learned Assistant Government Pleader also relies on the Government Resolution dt. 12.09.2014, more particularly, clause 'A' to contend that, if the contractors who were doing the work at the time when the Government Resolution was issued and ready to work at the same rates, they are to be given the work from 2014 onwards upto 2017. According to the learned Assistant Government Pleader, the period would come to an end on 31.06.2018 and further contracts would be governed as per the policy that would be enacted.

3. We have considered the submissions.

4. It appears that, since the year 2008, the same process is being undertaken. No tenders are issued and the work is allotted to the same existing Hamal contractors registered with the Mathadi Mandal.

5. Even if the tenders are issued, still the tenderers are required to conform to the rates as prescribed by the Mathadi Board. The tenders are always preferable as more competitive rates would be received. Since the year 2008, the same contractors are being allotted the work, which is not in tune with the competitive bidding process.

6. As it is stated that, the work allotted is upto June-2018 and allotment of further work either by tender or the same contractor would be as per the same policy that would be floated at the relevant time.

7. As the contracts are already allotted to the contractors for the period 01.07.2015 to 31.06.2018 and the same would come to an end within three months, no interference is called for. However, it is observed that, while framing the policy the respondents would consider that the monopoly is not being created and that competitive process is being resorted to.

8. Writ Petition is disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde