

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7473 OF 2017**

Siddheshwar Adiwasi Berojgar Sanstha

....Petitioner.

Vs.

The Commissioner,

Tribal Development Nashik & Ors.

....Respondents.

Mr. Tushar N. Sonawane for the Petitioner.

Mr. A.I. Patel, AGP for Respondent Nos. 1, 3 and 5.

CORAM : R.M. BORDE AND

R.G. KETKAR, JJ.

DATE : 8 JANUARY 2018.

P.C.:-

There is no dispute that the Petitioner has supplied the food during the year 2015-16. The rates admissible in respect of supply of food for the year 2014-15 were Rs. 2,690/- for supply of food to the Boys' Hostel at Pimpri-Chinchwad, Pune having admission capacity of 250 students. So far as the admitted rate for supply of food at Boys' Hostel at Manjarifarm, Pune having capacity of 1000 students was at Rs.2,550/-. Whereas, for the year 2014-15 rates in respect of the supply of food to the Girls' hostel Hadapasar, Pune, was Rs.2,350/-. There should be, in fact, no impediment for the State Government to pay the lowest rates paid to the Petitioner during the year 2014-2015, in respect of the supply of food during the aforesaid

year.

2 Since there is no denial in respect of the supply of food by the Petitioner during the year 2015-16, we direct the State Government to pay the Petitioner the rate noted in the communication dated 18 February 2016, annexed at page 56 to the Petition, in respect of the supply of food to the students at the Boys' hostel, Manjarifarm, Pune having capacity of 1000 students during the year 2014-2015. The payment shall be made at the aforesaid rate within a period of 4 weeks from today. If there is any dispute in respect of the payment to the additional sum for supply of food during the aforesaid period and the rate at Rs 2,550/- directed to be paid to the Petitioner during the year 2014-15 is not admissible, it is open for the Petitioner to avail of remedy available under the law for recovery of the additional sum.

3 In view of above, the Writ Petition stands disposed of. It would be open for the State Government to take appropriate action against the erring officials, if the State is of the opinion that the order in respect of supply of food to the Petitioner was erroneously or illegally issued.

(R.G. KETKAR, J.)

(R.M. BORDE, J.)