

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8884 OF 2017

M/s. Subham Construction
Versus

...Petitioner

The Union of India and Anr.

...Respondents

.....

Mr. V.P. Sawant with Mr. Nikhil Patil i/b. M/s. P.M. Jadhav for the
Petitioner.

Mr. N.D. Sharma for the Respondent -Union of India.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 2nd JULY, 2018.

P.C.:-

Heard the learned counsels for the respective parties.

2. By this petition, the Petitioner is seeking the following
reliefs:-

“A. This Hon'ble Court be pleased to issue a writ of mandamus or any other writ order or direction in the nature of mandamus setting aside the impugned letter dated 29.3.2017 communicating the decision of the competent authority and direct the Respondents to revalidate the enlistment of the Petitioner for till 31.05.2020.”

3. On behalf of the Respondent No.1-Colonel Jitesh Arora has
filed an affidavit-in-reply dated 22nd February, 2018. In paragraphs 3

and 17 of the said affidavit following statements are made:-

“3. At the outset, I am to submit that the Military Engineering Service (M.E.S.) is an Armed Force of Union of India and is the Premier Construction Agency functioning under Engineer-in-Chief Integrated Head Quarters of Military of Defence, New Delhi. The M.E.S. provides the engineering support to the Armed Forces which includes Army, Navy, Air force and associated organizations such as Coast Guard, DRDO, etc. It is one of the largest construction and maintenance agencies in India and is responsible for construction of infrastructure, provision of services for the infrastructure created for all Armed Forces.

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17. With reference to para 7 of the Writ Petition, I am to respectfully submit that bidding process is a policy matter of Government of India renewal process is dealt with by the Respondent under the head “**Criteria for Renewal**” under para 7(c) and renewal of enlistment is governed by manual contract (vide para 1.14) annexed at Exhibit “B” of (Affidavit in Reply)

As alleged by the Petitioner in para 8 of the Writ Petition, I am to respectfully submit that the renewal of enlistment process is dealt with under clause (d) (iii) under the head “Criteria for Renewal” under which the Petitioner's renewal has been cancelled by the Competent Authority.

I may also add that Petitioner even though not enlisted for further period still is permitted to participate in the bidding process of MES and can secure contracts subject to the criteria for enlisted firm.”

4. In the light of the statements made in the said affidavit, and

since the Petitioner is permitted to participate in the bidding process of MES, the learned counsel for the Petitioner, upon instructions seeks leave to withdraw the petition. Leave is granted.

5. The petition is dismissed as withdrawn.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)