

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9257 OF 2017**

M/s. Skylark Infra Projects Pvt. Ltd. .. Petitioner.

v/s.

The State of Maharashtra and ors. .. Respondents.

Mr. V.P. Sawant i/b. Mr. Shivaji A. Masal, advocate for petitioner.

Mrs. M.P. Thakur, AGP for Respondents-State.

Mr. Suresh S. Bachche, Executive Engineer, P.W.D., Sawantwadi, Dist. Sindhudurg.

**CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.**

DATE : MAY 3, 2018.

P. C. :

1 Heard Mr. Sawant, learned Counsel for the petitioner and Mrs. Thakur, learned AGP for respondent-State.

2 The petitioner has filed this petition for following prayers:

“(a) call for the relevant records and proceedings from the office of the Respondent Nos. 2 and 3 and after going into the legality, legality and propriety of the same,

(i) issue a writ of mandamus or any other writ in the nature of mandamus or any other writ, order or direction, directing the Respondent Nos. 2 and 3 to grant extension to

Talwalkar

petitioner for a period of 2 months for completing the remaining tender work;

(ii) issue a writ of certiorari or any other writ in the nature of mandamus or any other writ, order or direction, setting aside the E-Tender Notice No. 14 published on 19th July 2017 on official website of Government of Maharashtra;

3 On 22/8/2017 after hearing learned Counsel for the respective parties, the Court passed following order :

“Heard learned Counsel appearing for the respective parties. Considering the fact that the petitioners has already completed 91% work and for compliance work is willing to complete it within two months at the cost of Rs.20,00,000/(Rupees Twenty Lakhs). Respondents, however, have invited the fresh tender for the same balance work costing approximately Rs.95 lakhs, this includes completed work also. Therefore, at this stage, we are of the view that sufficient case is made out for grant of interim relief in terms of prayer clause (b) (ii) till next date.

Stand over to 7th September, 2017 for final disposal.

4 The learned AGP submitted that because of interim order, fresh tenders for the balance work could not be opened. The petitioner from time to time was given extension of time.

However, he has not completed the balance tender work. The learned AGP on instructions made a statement that respondent Nos. 2 and 3 are ready and willing to extend time to the petitioner to complete the balance work under the subject tender. However, because of pendency of the petition, Tahasildar's office is working from rented premises and the Government has to pay Rs. 40000/- per month by way of rent.

5 Mr. Sawant, learned Counsel for the petitioner having taken instructions from his client states that the petitioner is ready and willing to complete the subject tender work within extended time subject to following :

- (i) Approval of flooring design pattern of granite,
- (ii) location of soap pits.
- (ii) design for pardi for water-proofing by expansion joints.

6 The learned AGP submits that within a period of 8 days, respondent No. 3 shall give approved flooring design pattern of granite, location of soap pits, design of pardi for water-proofing. Statement is accepted.

7 In the light of the above, we dispose of the petition by passing following order :

- (i) Respondent No. 3 within a period of one week from today shall furnish approved flooring design pattern of granite, location of soap pits, design of pardi for water-proofing to the

Talwalkar

petitioner.

(ii) The petitioner from the date of furnishing the above details by the respondent No. 2 and 3 shall complete the tender work within a period of 2 months.

(iii) The petitioner and respondent No. 3 shall take joint measurements of the tender work.

(iv) The Government thereafter shall pay the balance amount which the petitioner is entitled for the subject tender work within a period of two weeks.

(v) In the event, the petitioner fails to complete the balance tender work within the stipulated period as mentioned above, the Government is at liberty to take appropriate action against the petitioner.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]