

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR

**WRIT PETITION NO. 2927 OF 2016 WITH CIVIL APPLICATION NO. 370/18.**  
**(Vikas Mahila Auddhogik Sahakari Sanstha Ltd. .vs. The State of Maharashtra & others)**

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

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Court's or Judge's orders

Mr. Rohit Joshi, Advocate for petitioner,  
Ms. N.P. Mehta, A.G.P. for respondent nos. 1 & 2,  
Mr. S.M. Ukey, Advocate for respondent no. 3.

**CORAM : B.P. DHARMADHIKARI & MRS. SWAPNA S. JOSHI, JJ.**

**DATED : FEBRUARY 24, 2018.**

- 1] Heard the learned Counsel for the parties.
- 2] The only controversy which has been raised and survives for consideration is entitlement of petitioner to continue to supply dry ration as per agreement entered into with him till the successful tenderer emerges. It is not in dispute that agreement between the petitioner and respondent no.3 was for temporary period and was to expire upon regular tenderer accepting the responsibility of supplying the ration.
- 3] It is in this backdrop that on 20.5.2016 in present matter this Court has found that *prima facie* reading of agreement dated 18.1.2014 along with communication dated 28.3.2016 would show that the petitioner was entitled to supply dry ration till end of June, 2016. The Court, therefore, permitted him to supply dry ration in terms of above agreement and letter. It is also observed that as per orders of Division Bench dated 22.4.2016 in Writ Petition No. 3359/16

if the tender process was commenced, it has to proceed further but should not be finalized. This arrangement and direction continues to operate even today.

4] It is not in dispute that no tender process was initiated for Buldana district. However, tenders in other districts in State of Maharashtra were finalized and formed subject matter of challenge in Writ Petition No. 3359/16 which has been decided on 11.7.2016 at Aurangabad. The controversy then travelled to Hon'ble Apex Court in S.L.P. (Civil) No. 19064/16 and other connected matters. On 6.12.2016 Hon'ble Apex Court directed matters to be listed on 12.1.2017 for final disposal. It appears that matters were taken up on 19.4.2017 when Hon'ble Apex Court has observed as under :-

“As we have not permitted the contracts which have elapsed with efflux of time in these areas, the State of Maharashtra can allow the selectees to operate on pro rata basis. Needless to say, the present order is passed subject to final adjudication in the matter. No earlier contract of anyone shall be extended and if any officer extends the same, he shall be liable for contempt of this Court. If any contract has been extended after the licence period is over, the same shall come to an end by 30.4.2017.”

5] In the light of this situation, it is apparent that on the basis of agreement between parties petitioner cannot be permitted to continue indefinitely. We, therefore, direct respondents to initiate tender process and complete it within six weeks from today in so far as work of supply of dry ration in Buldana district under respondent no.3 is

concerned. Till the successful tenderer emerges, we grant petitioner leave to supply the dry rations in terms of order dated 20.5.2016. However, we direct the petitioner also to participate in tender process for said purpose.

6] With these directions and observations, we partly allow Writ Petition and dispose it of. Civil Application is also disposed of.

**Judge**

**Judge**

J.