

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5239/2017

Institute of Social Awareness and Reforms (ISAR) through its Secretary Diwakar
s/o Gulabharao Bhoyar

...Versus...

State of Maharashtra through its Secretary Department of Water Conservation,
Mantralaya, Mumbai – 32 others

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

Court's or Judge's orders

Shri Vivek Awchat, Counsel for petitioner
Shri S.S. Doifode, AGP for respondent nos.1, 3 and 4

CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.

DATE : 11/01/2018

By this petition, the petitioner challenges the resolution passed by the respondent nos.4 and 5 in the meeting dated 10/12/2016, granting an opportunity to the organizations-agencies to which the contract-work order was granted, to improve its performance.

The petitioner claims to be a registered organization under the Bombay Public Trusts Act. According to the petitioner, as per the project of Watershed Management, the respondent – Implementing Authority had granted the work-orders in respect of the projects to certain organizations. It is stated that as per the policy, it was necessary for the organizations to which the work-orders were issued to at least show 25% progress in respect of the works allotted to them. It is submitted that by the impugned resolution dated 10/12/2016, the Chief Executive Officer of the

project, has wrongly decided to grant an opportunity for improvement to the organizations. According to the petitioner, an opportunity could not have been granted to the organizations to make progress and as soon as it was found that they had not achieved the required benchmark, their work-orders were liable to be cancelled and the claim of organizations like the petitioner ought to have been considered.

We do not find any right in the petitioner to seek the relief claimed. Nothing is pointed out from the scheme to show that it would be necessary for the respondent – Implementing Authority to cancel the work-orders granted to the allottees and award the same work to some other registered organizations. Despite the grant of opportunity to the Counsel for the petitioner to show any term in the scheme of the project entitling the petitioner to seek the relief claimed, the learned Counsel for the petitioner is not able to do so. A reference is made to clause 9.8 that pertains to the foreclosure of projects. The said clause has no applicability, whatsoever to the case in hand. In fact, it is observed in the said clause that only in extreme cases, the foreclosure may be resorted to.

In the absence of any right in the petitioner to challenge the resolution by which the respondents have granted an opportunity to the organizations to which the work-orders were issued, the writ petition is liable to be dismissed.

Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE