

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1990 OF 2018

Adivasi Matsya Udpadak Sahakari
Sanstha Maryadit Through its
Chairman S. K. Saindane .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Harshal Prakash Randhir, Advocate for the Petitioner.
Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 3.
Shri M. M. Bhokarikar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 12TH MARCH, 2019.

FINAL ORDER :

. The petitioner challenges the tender process.

2. We have heard the learned counsel for the petitioner, the learned Assistant Government Pleader and the learned counsel for the respondent No. 4.

3. The tender was issued for allotment of fishing rights on Anjani tank. The petitioner did not apply pursuant to the said tender notice.

4. We find that procedure adopted by respondents was not in consonance with the Government Resolution dated 30.06.2017.

At the time when the tender was issued only one society was registered on the said tank and the tender ought to be by public auction. However, it was by public oral auction. That contingency is available only if there are two or more societies registered on the tank and amongst them only the oral auction takes place. If there is only one society registered, then the tenders are required to be called from registered societies in the district. The petitioner is registered in Jalgaon district.

5. Perusal of tender, it is clear that tenders were invited from all the fishing societies in Jalgaon district. The petitioner did not apply pursuant to the said tender notice. We could have considered grievance of the petitioner, had the petitioner applied as per tender notice and then challenge the procedure under Government Resolution dated 30.06.2017 as not followed.

6. However, as the petitioner did not apply pursuant to the tender notice, now it will be too late in the day to assail the tender allotted in October 2017.

7. In view of the above, the writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]