

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

WRIT PETITION NO. 7857 OF 2019

Sachin Haribhau Gaware

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Niteen V. Gaware, Advocate for the Petitioner.

Shri V. M. Kagane, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 27TH JUNE, 2019.

ORDER :

. Mr. Gaware, the learned advocate submits that, the petitioner assails the communication dated 18.06.2019. According to the learned counsel, the reason mentioned in the said communication is perse illegal. The learned counsel submits that, the tenders were not opened in presence of the representatives, as such there was no occasion for the petitioner to know about opening of the tenders and the fact that the petitioner is required to deposit the amount. On false ground e-tender process has been cancelled. It is arbitrary. It is only to favour the persons of their choice, the respondents have resorted to fresh tender process.

2. The petitioner was not given any letter that he is a successful bidder and that his tender has been accepted. Reciprocal right and duties did not come in existence. No concluded contract exist so as to create reciprocal rights and duties. Fresh tender process has been resorted and notice of tender has already been published. The petitioner is not disqualified from participating in the fresh tender process. The petitioner will have opportunity to participate in the fresh tender process.

3. Even assuming that the reasons mentioned in the impugned communication are erroneous, still that would not get a cause of action for the petitioner to contend that, the respondents should continue the earlier tender process in view of the fact that, no concluded contract came into existence.

4. In the light of the above, the writ petition is disposed of.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19