

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

98 WRIT PETITION NO.7976 OF 2019

KALIM RAFIQ SHAIKH AND OTHERS ..PETITIONERS

VERSUS

THE UNION OF INDIA AND OTHERS ..RESPONDENTS

...

Ms. P. S. Talekar, Advocate for the Petitioners.
Mr. S. B. Deshpande, ASG with Mr. D. G. Nagode,
Advocate for Respondent Nos.1 and 2.

...

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

DATED : 1st JULY, 2019.

PER COURT:-

1. Ms. Talekar, learned counsel for petitioners submits that petitioners are assailing the resolution approving the tender submitted by one M/s. Global India Services Pune for door to door collection of garbage in the Cantonment Board, Ahmednagar. The learned counsel amongst other aspects submitted that offset price was never fixed earlier.

2. Mr. Deshpande, learned ASG submits that petitioners have already moved under Section 58(2) of the Cantonments Act, 2006 to the General Officer Commanding-in-Chief and the General Officer Commanding-in-Chief shall take decision upon it and

till the decision is taken by the General Officer Commanding-in-Chief, the work order would not be issued.

3. In view of the said statement made, the apprehension of petitioners stands redressed. Naturally, the petitioners may take steps as may be permissible under law, after the decision of the General Officer Commanding-in-Chief.

4. As far as prayer Clause (B) is concerned they are seeking directions against the respondents to adhere to the statutory mandate of Section 45 to pass resolutions by a majority decision of the members present and voting. The presumption is that the provisions of the statute would be adhered to, if the respondents do not adhere to the provisions of the statute. The aggrieved party has right to agitate against the same.

5. Writ Petition accordingly disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE