

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

937. WRIT PETITION NO. 12424 OF 2018

PRADEEP HANUMANT JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S.M. Kulkarni, Advocate for petitioner.

Mr. A.B. Chate, Asstt. Govt. Pleader for respondent No.1

Mr. V.S. Bedre, Advocate for respondent No.2

CORAM : S. V. GANGAPURWALA
AND
A. M. DHAVALA, J J.

DATE : 25th APRIL, 2019

ORAL ORDER:

1. Mr. Kulkarni, learned Counsel submits that in view of the affidavit filed by the respondent No.2 stating that 'e' tender process as per advertisement No.5 dated 26th October 2018 is cancelled, the petitioner should be given contract of compost of municipal solid waste. Offer of the petitioner was accepted by the Standing Committee by passing resolution. The respondent if it wants to deviate from the decision of the Standing Committee, it has to approach to the Government. In absence thereof, the respondent has no option but to give contract to the petitioner as the tender of the petitioner was accepted.

2. We have heard Mr. Bedre, learned Counsel for respondent No. 2. Admittedly, no work order was issued in favour of the petitioner nor any communication is made that his tender has been accepted. In absence thereof, no legal right vests in the petitioner.

3. It appears that the Standing Committee had recommended rate of Rs. 1200/- per ton for composting solid waste. Petitioner had quoted rate of Rs. 1470/- per ton. Moreover, all communications and decisions are *interse* amongst the Standing Committee, General Body and the Commissioner. As no work order is issued in favour of petitioner, petitioner cannot have legal right to agitate and contend that the petitioner only be allotted the work order pursuant to the previous tender.

4. In the light of above, the writ petition is disposed of. No costs.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE