

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 13512 OF 2019

Shri Swami Services

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mrs.Anjali Bajpai Dube, advocate for the petitioner.
Mr.A.P.Baraskar, AGP for Respondents.

**CORAM : S.V.GANGAPURWALA &
AVINASH G. GHAROTE, JJ.
DATE : 07th November, 2019.**

PER COURT :

1 Smt.Dube, learned Counsel for the petitioner, submits that the tender notice issued by the Respondents on 05.09.2019 is illegal.

2 The petitioner was awarded contract in the year 2017 pursuant to the e-tender process. As per the relevant Government Resolution dated 17.01.2011, the contract has to be awarded for the period of three years. The learned Counsel submits that as the petitioner was awarded contract in the year 2017, the petitioner has a right to continue up to the year 2020. The Respondents, on 07.09.2018, continued the contract for one year. The work of the petitioner is satisfactorily. The reason for allotting the contract for three years is that huge investment is required to be made by the Contractor. If the fresh tender process is initiated before completion of three years, the petitioner would suffer huge loss and the same would also be contrary to the policy.

3 We have heard the learned AGP for Respondents.

4 The contract of the petitioner was renewed on 07.09.2018 for a period of one year i.e. from 01.09.2018 to 31.08.2019. The petitioner accepted the said renewal. If the petitioner was aggrieved by the renewal of contract for the period of one year, the petitioner ought to have assailed the same at that time itself. However, the petitioner has accepted the same and acted upon it.

5 Present petition is filed after issuance of fresh tender notice in the month of November, 2019. The petitioner has accepted the renewal for one year. Having accepted the renewal, after lapse of one year, the petitioner cannot make any grievance and contend otherwise. The petitioner cannot be heard for approbate and reprobate. If the petitioner is eligible for fresh tender notice, he can participate in the same.

6 Writ Petition is accordingly disposed of. No costs.

AVINASH G.GHAROTE
JUDGE

S.V.GANGAPURWALA
JUDGE

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