

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 2883 OF 2019

Tanaji Keshavrao Waghchaware

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. S. S. Kadam for the Petitioner.

Mr. K. S. Thorat, AGP for Respondent Nos.1 to 5.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 10th DECEMBER, 2019.

P. C. :

1. Request for adjournment is declined.
2. Case pleaded in the Writ Petition is that at an auction held on 02.08.2002 the Petitioner's bid in a sum of ₹ 21,00,000/- was accepted. The auction was to grant right to extract sand from riverbed of river Bhima for the year 2002-03. The Petitioner deposited 25% of the bid amount i.e. ₹ 5,25,000/-. This was on 02.08.2002.
3. Thereafter the auction was cancelled by the Collector by letter dated 24.01.2003. Surprisingly the learned Collector issued a letter thereafter on 21.03.2003 recording that the Government had accepted the amount paid by the Petitioner. Grievance in the Writ Petition is to a notice inviting bid dated 20.02.2019.
4. Suffice it to state the Petitioner cannot as of today enforce any right pertaining to the bid submitted on 02.08.2002 notwithstanding

the same being accepted.

5. The reason is that if a suit for specific performance was to be filed, the same had to be within three years of 02.08.2002.

6. Further, the connection between the price of the sand as of the year 2002 as lost relevance vis-a-vis the price as of today.

7. We note that as regards ₹ 5,25,000/- deposited by the Petitioner as earnest money, he has filed a suit for recovery of the said amount and the suit is pending.

8. The Writ Petition is dismissed.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]