

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 483 OF 2018**

M/s. Avron Chemicals Pvt. Ltd.	...Petitioner
Versus	
Union of India & Ors.	...Respondents

**WITH
NOTICE OF MOTION NO. 185 OF 2018
IN
WRIT PETITION NO. 483 OF 2018**

Ministry of Environment & Forest	...Applicant
	(Ori. Respondent No. 2)

IN THE MATTER BETWEEN :

M/s. Avron Chemicals Pvt. Ltd.	...Petitioner
Versus	
Union of India & Ors.	...Respondents

Mr. Prerak P. Chodhary for the Petitioner

Mr. Neel Helekar a/w Ms. Anamika Malhotra for the Respondent Nos.
1 to 4

Mr. Rohan Sawant a/w Ms. M. Joshi i/b Crawford Bayley & Co. for the
Respondent Nos. 6, 7 and 8

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
WEDNESDAY, 30th JANUARY 2019**

P.C. :

1 Heard for some time. It is not in dispute that the term for

which ethanol was to be procured, has expired on 30th November 2018. Contention of petitioner is, when Country itself does not produce requisite quantity of ethanol, the conditions in tender which prohibited producers like it, who get ethanol from outside, is bad in law. We find that a fresh tender for subsequent period has also been floated. Learned counsel for petitioner is seeking leave to amend, urging that in fresh tender, new terms and conditions have been added so as to non-suit the producers like petitioners. It is submitted that in policy decision, which has preceded the said tender, the terms, to the prejudice of the petitioner, are added.

2 Our attention is also invited to the prayer in present petition, which seeks leave to supply shortfall in ethanol. It is apparent that merely because the petitioner has approached this Court, if there be any shortfall, respondents cannot be directed to procure it from the petitioner alone.

3 Here, as the period of tender has expired, we find that no effective order to the advantage of the petitioner can be passed,

however, contention that the Notification thereafter issued alters tender conditions or adds certain conditions to cause prejudice to the petitioner, is kept open. Petitioner is at liberty to file fresh petition raising all contentions in accordance with law.

4 With these observations and liberty, keeping all contentions of the parties open, we dispose of writ petition.

5 Consequently, Notice of Motion No. 185 of 2018 is also disposed of.

REVATI MOHITE DERE, J.

B. P. DHARMADHIKARI, J.