

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3394 OF 2019

(Suraj Gruh Udyog, Amravati thr. its Prop. Seema Yashwantrao Deshmukh Vs. The
State of Maharashtra, thr. its Secretary, Social Justice & Special Assistants
Department, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri A.C. Dharmadhikari, Advocate for Petitioner.
Ms. K.S. Joshi, Addl. GP for Respondent Nos.1 to 3.

CORAM: SUNIL B. SHUKRE AND
ROHIT B. DEO, JJ.

DATE: 5th NOVEMBER, 2019.

Shri A.C. Dharmadhikari, learned counsel for the petitioner makes a statement at the bar that he has received written instructions from the petitioner regarding withdrawal of the power given to him by her and accordingly he prays for his discharge as an Advocate for the petitioner. The submission made across the bar is accepted and on that basis, Shri A.C. Dharmadhikari is discharged as an Advocate for the petitioner.

On behalf of the petitioner, Shri M.R. Karia, Advocate appear and he seeks time to file his vakalatnama and also for making appropriate preparation. The vakalatnama can be filed even during the course of the day and therefore, for this purpose there is no need to grant further time. As regards the time required for preparation, we are of the view that from the averments made in the

petition itself, the petition is not maintainable and therefore, no purpose would be served by granting further time to the petitioner. Accordingly, we have heard the matter.

The petitioner has sought a declaration from the Court that the tender process initiated in terms of tender notice No.1/2018-2019 is illegal and that it violates the principles governing E-tenders as prescribed in the government notification dated 24.09.2018.

The main ground taken in the petition is that the tender notice does not state any minimum support price as prescribed in the government notification.

We would have certainly heard the petitioner had it not been the case that the petitioner had not participated in the tender process. In the present case, the petitioner did take part in the tender process and this is also stated in the petition. It is also stated in the petition that after such participation, the petitioner was found to be technically disqualified. The petitioner having already taken part in the tender process, cannot be permitted to turn around and challenge the very tender process in which it has taken part and on this ground alone, the petition deserves to be dismissed and it is dismissed accordingly. However, there shall be no order as to costs.

JUDGE

JUDGE