

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 5823/2016
with
CIVIL APPLICATION NO.1898/2017

(Dinesh s/o Jagannath Hukre vs. State of Maharashtra and others)

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

Court's or Judge's order

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Shri C.B.Dharmadhikari, Adv.for petitioner
Shri A.M.Deshpande, Addl.G.P.for respondents 1 and 2
Shri A.Y.Kapgate, Adv.for respondents 3 to 5
Shri Samarth, Adv.for respondent nos.8 and 9

**CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.
DATED : 12th June, 2019.**

In the instant Petition, the petitioner challenges the communication dated 1.9.2016 at Annexure "K", by which the Divisional Commissioner has held that there were some irregularities in the allotment of tender.

Notice was issued by this Court on 5th October, 2016 and by way of an *ad-interim* order, the respondents were directed not to disburse any payment.

The respondent nos. 1 and 2 have filed an affidavit stating in paragraph nos.3,4 and 5 asunder :

"3. The answering respondent humbly submits from the enquiry report dated 13.4.2016 forwarded by the Chief Executive Officer, Zilla Parishad, Gondia it is revealed that

there is no misappropriation of fund is done while construction of school rooms and school compound under the scheme of Central Assistance (ACS). However, there are irregularities in respect of purchase of certain construction material by calling quotations at local level, instead of inviting E tenders by the Gram Panchayat, Dongargaon.

4. The answering respondent humbly submits that the Divisional Commissioner, Nagpur Division Nagpur vide its letter dated 1.9.2016 instructed the Chief Executive Officer, Zilla Parishad, Gondia to initiate an administrative action on all the responsible concerned officer who committed irregularities in purchasing material required for construction of the school rooms and school compound and it was also directed to recover the loss incurred by the State Exchequer.

5. The Divisional Commissioner, Nagpur Division, Nagpur vide letter dated 1.9.2016 also directed the Respondent Chief Executive Officer, Zilla Parishad, Gondia to see that the work of school rooms and school compound shall be completed in accordance with the work valued by the Executive Engineer (Works), Zilla Parishad, Gondia. It was also directed by the Divisional Commissioner, Nagpur Division Nagpur to inspect the site physically and make arrangement for payment of the material purchased by the Gram Panchayat from the private suppliers. It was also informed that steps taken shall be done by the concerned Gram Panchayat."

In view of the aforesaid stand and the action taken by the Divisional Commissioner, we do not find that any further orders can be passed in this matter. The Writ Petition is dismissed.

The Civil Application does not survive. The same is disposed of.

JUDGE

JUDGE

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