

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION STAMP NO. 10656 OF 2020

Uday Construction
Through its Proprietor
Harishchandra Namdeo Sabade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri T. M. Venjane, Advocate for the Petitioner.
Shri S. B. Narwade, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.
DATE : 06TH JULY, 2020.**

FINAL ORDER :

. Mr. Venjane, the learned counsel for the petitioner submits that, the petitioner had participated in the tender process. Five tenders were received. Three tenders were disqualified. The petitioner was found to be qualified. The respondents with a view to favour the privileged contractor cancelled the tender process and initiated fresh tender process. The learned counsel submits that, the respondents could not have cancelled the earlier tender process only on the ground that two tenders were received. The learned counsel relies on the circular dated 29.01.2019 issued by the Public Works Department. According to the learned counsel in the fresh tender process deliberately to exclude the petitioner, terms and conditions of the tender were changed. The same is illegal. The learned counsel further

submits that, though the work order is issued in June 2020, the work has not yet commenced.

2. We have also heard the learned Assistant Government Pleader for respondent Nos. 1 and 2.

3. The petitioner accepts that the work order has already been issued. The period of work order is four months excluding the rainy season. The circular dated 29.01.2019 is issued by the Public Works Department. In the present case, the tender is issued by the Nagar Panchayat.

4. Be that as it may, the work order is already issued. It was also decision of the respondents to cancel the earlier tender process as only two valid tenders were received.

5. Considering the aforesaid facts in totality and that, work order is already issued one month back and period of work order is only four months, we are not inclined to entertain the present writ petition. The writ petition accordingly stands disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]