

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

PUBLIC INTEREST LITIGATION NO.118 OF 2019

Amar Marutirao Naikwade,
Age: 37 years, Occ: Councilor,
Beed Municipal Council,
Residing agt Vipranagar, Brahminwadi,
Beed, Tq. & Dist. Beed

PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
Urban Development Department,
Mantralaya, Mumbai – 400032
2. The Director,
Directorate of Municipal Administration,
Worli, Mumbai
3. Divisional Commissioner,
Office of the Divisional Commissioner,
Aurangabad
4. The Collector,
Office of the Collector, Beed
5. Chief Officer,
Beed Municipal Council, Dist. Beed
6. Dr. Bharat Bhushan Kshirsagar,
The President, Beed Municipal Council,
Officde at Beed Municipal Council,
Beed

RESPONDENTS

Mr Sayyed Tauseef Yaseen, Advocate for the petitioner;
Mr S.P. Sonpawale, A.G.P. for respondent Nos. 1 to 4;
Mr G.K. Naik-Thigle, Advocate for respondent No.5

**CORAM : PRASANNA B. VARALE &
R.G. AVACHAT, JJ.**

DATED : 5th FEBRUARY, 2020

ORAL ORDER:

By order dated 10th October, 2019, notice was issued to the respondents only on limited aspects, namely, grievance raised about mischief being played in execution of tender process and non adherence to the procedural rules for effective implementation of the tender process. In our order dated 10th October, 2019, a specific reference was made for cancellation of tenders by communication dated 23rd September, 2019.

2. In response to the notice, affidavit in reply is filed on behalf of respondent No.4 – The Collector, Beed through Mr. Rohidas s/o Atmaram Dorkulkar, working as Chief Officer, Municipal Corporation, Beed and statement

to the effect that the entire tender process has been cancelled in accordance with the provisions of Section 93(7) of the Maharashtra Municipal Council, Nagar Parishad and Industrial Township Act, 1965, find place in paragraph-6 of the affidavit in reply.

3. Thus, statement referred to above leads to making prayer clauses (B), (C) and (D) inconsequential.

4. Insofar as remaining prayer clause (E) is concerned, it is brought to our notice that an inquiry committee was constituted, consisting of Assistant Regional Director, Group-B, Municipal Council Administration attached to the office of Divisional Commissioner, Aurangabad and Accounts Officer, Municipal Council Administration attached to the office of Divisional Commissioner, Aurangabad. The inquiry committee submitted a detailed report referring to ten issues and then also recorded observations on consideration of the material placed before the

committee. The most of the observations referred to irregularities and report concludes with the statement that the submission of the report before the Divisional Commissioner for his perusal would be appropriate so that the Divisional Commissioner can take further steps.

5. In view of above referred report, the petition itself can safely be disposed of, as it redresses the grievance prompting the petitioner to take out prayer clause (E). Accordingly, we direct respondent No.3 – Divisional Commissioner, Aurangabad to consider the inquiry committee report on merits and in case, the Divisional Commissioner, Aurangabad deems it appropriate, to initiate action against the erring officers or individuals and to see that the exercise initiated by him reaches to its logical end within reasonable period without there being any inordinate delay in the matter.

6. With the above directions, the public interest litigation is disposed of.

7. The petitioner had deposited an amount of Rs.1,00,000/- (Rs. One lac only) to show his *bona-fides*. Accordingly, we permit the petitioner to withdraw 50% of the amount i.e. Rs.50,000/- (Rs. Fifty thousand only) and out of remaining amount of Rs.50,000/-(Rs. Fifty thousand only), Rs.25,000/- (Rs. Twenty five thousand only) be diverted in the account of :

साई ग्रामीण पुनर्रचना संस्था, औरंगाबाद संचालित
"आपली मुले"
सातारा परिसर, औरंगाबाद
Registration No.12531 (Aurangabad)

organization and Rs.25,000/- (Rs. Twenty five thousand only) be diverted in the account of Day Care Center i.e. Creche being functional or operational in this Court.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]