

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

WRIT PETITION NO. 5101 OF 2021

Sayyad Amjad Sayyad Rashid Inamdar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. V. D. Hon, Senior Advocate i/by Ashwin V. Hon, Advocate for the
Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

Mr. D. P. Palodkar, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 22nd March, 2021.

PER COURT:-

. Mr. Hon, learned senior counsel for the petitioner submits that the tender is issued by respondent No. 4 for construction of the shopping complex. The technical sanction is obtained from Maharashtra Jeevan Pradhikaran Mandal and not from the Public Works Department. The illegality is committed by respondent No. 4. The learned senior counsel further submits that no provision is made of (i) fire fighting system (ii) electrification. The petitioner is interested in purchasing a tenement/shop in the shopping complex to be constructed by respondent No. 4.

2. Mr. Palodkar, learned counsel appears for respondent No. 4. The technical sanction can be obtained either by the Public Works Department or Maharashtra Jeevan Pradhikaran Mandal. He refers to the Government Resolution dated 17.11.2017. He further submits that earlier the amount had lapsed. The amount would lapse if the work is not commenced before 31st March. The learned counsel on instructions of the Chief Officer of respondent No. 4 submits that 7% provision is made for electrification and also for fire fighting system in the original estimate submitted to the Government.

3. The grievance of the petitioner is that fresh tender process should be called for the construction of shopping complex by obtaining technical sanction from the Public Works Department, so also making provisions for fire fighting system and electrification. We had not consider the same. The Government Resolution dated 17.11.2017 and more particularly, clause 6 permits sanction to be obtained either from the Public Works Department or from Maharashtra Jeevan Pradhikaran Mandal.

4. The statement is made by the respondent No. 4 that necessary estimates are made for fire fighting system and electrification in the original proposal.

5. Naturally, if the shopping complex is constructed, the respondent No. 4 is required to adhere to all the fire fighting norms and electrification and respondent No. 4 shall adhere to the same.

6. With the aforesaid observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.