

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

43 WRIT PETITION NO.7308 OF 2021

R.D. PEST CONTROL
THR ITS PROPRIETOR
PADHARINATH RANGHNATH BHOSLE

.. Petitioner

VERSUS

CITY AND INDUSTRIAL DEVELOPMENT
CORPORATION OF MAHARASHTRA LTD
AND OTHERS

..Respondents

...
Mr N.V. Gaware, Advocate h/f. Mr Baliram B. Shinde,
Advocate for the Petitioner

...

**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 05-07-2021

PER COURT : -

1. Mr Gaware, the learned Advocate for the petitioner submits that, the tender of the respondents no.4 & 5 does not confirm to the provisions of the Minimum Wages Act, 1948. Still the Committee has recommended the tender of respondent no.5 to the respondent no.1. According to the learned Counsel, the order of this Court in Writ Petition No.12806 of 2017 dated 14-03-2018 has to be respected. The same was in respect of the similar tender process.

2. It is not disputed by the learned Advocate for the petitioner, on instructions, that no final decision has been taken by

the respondent no.1 in awarding the tender to a particular party. The petitioner cannot presume that the respondent no.1 while taking the decision would not consider the provisions of the statute, the terms of the tender and all the relevant aspects of the matter.

3. In view of that, as the tender of the none of the parties is accepted as on the date, the petition is premature.

4. The learned Counsel for the petitioner submits that, the petitioner would raise an objection with respondent no.1. It is for the petitioner to take the recourse as may be permissible under law.

5. As we find that the petition is premature, we dispose of the writ petition. It is made clear that, we have not considered the contentions of the petitioner on merits. The same are kept open. In case, the petitioner is further aggrieved and if the petitioner has fresh cause of action, the petitioner may agitate afresh. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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