

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

1065 WRIT PETITION NO.9794 OF 2021

M/S IMS BHATIA TRANSPORT CONTRACTOR ..PETITIONER

VERSUS

THE UNION OF INDIA AND OTHERS ..RESPONDENTS

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Mr. R. N. Dhorde, Senior Advocate i/by Mr. V. R. Dhorde, Advocate for the Petitioner.

Mr. A. G. Talhar, ASG for Respondent No.1.

Mr. D. S. Manorkar, Advocate for Respondent Nos.2 and 3.

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

DATED : 21st SEPTEMBER, 2021.

PER COURT:-

1. Mr. Manorkar, learned counsel for respondent nos.2 and 3 submits that, affidavit is filed by respondent nos.2 and 3 and condition III (Sr.i) that is 'in case of partnership, only the experience of the participating firm, will be reckoned, and for the purpose, experience of the individual partners will not be counted' is withdrawn by the respondents.

2. In view of the withdrawal of the said condition, prayer Clause (B) does not survive and stands redressed.

3. As the condition assailed is withdrawn, naturally, respondent nos.2 and 3 shall consider the tender of the petitioner on its own merits.

4. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-2021