

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4351 OF 2021

WITH

INTERIM APPLICATION (ST) NO. 17846 OF 2021

Bablu Narayan Kamble and others ... Petitioners

Versus

The State of Maharashtra and others ... Respondents

.....

Mr. N.V. Walawalkar, Senior Advocate instructed by Mr. S.M. Sabrad for the Petitioners.

Mr. R.S. Pawar, AGP for the State.

Mr. R.S. Apte, Senior Advocate instructed by Mr. Milind Deshmukh for Respondent No.3.

Mr. A.P. Kulkarni for Respondent Nos.4 and 6.

Mr. Tejas Dande instructed Mr. Amey Sawant for Respondent No.5.

.....

CORAM : S.J. KATHAWALLA AND

MILIND N. JADHAV, JJ.

DATED : SEPTEMBER 24, 2021.

P.C. :-

1. By the present Writ Petition, the Petitioners are challenging the e-tender notice dated 5th May, 2021 issued by Respondent No.3 – Municipal Council of Daund and are also seeking directions to the State of Maharashtra to hold an enquiry.

2. We are informed that by an an order dated 2nd September, 2021, the Respondent No.2 has already constituted a committee comprising of four members, viz.,

Kanchan P Dhuri

- (a) S.D.O. Daund – Purandar – President,
- (b) Chief Officer, Jejuri Nagar Parishad,
- (c) Junior Planning Assistant, Jejuri Nagar Parishad,
- (d) Accountant and Auditor, Class ‘A’, Baramati Nagar Parishad, Baramati.

3. From the directions set out in the Order dated 2nd September, 2021, it appears that the Committee was to enquire into the various grievances within 15 days and submit its report to the District Collector. That was not done. We are informed that a Writ Petition No.5720 of 2021 was filed by one Vinayak Mane for the same works and hearing by the Committee on priority. This Court has disposed of the Writ Petition by directing expeditious hearing by the Committee and an impartial enquiry. The Committee was also directed to submit its report.

4. In the above Writ Petition, we now direct that the enquiry be completed by the said Committee in compliance of our Order dated 21st September, 2021 passed in Writ Petition No.5720 of 2021 within a period of two weeks from today and submit report before the District Collector.

5. The Petitioners are at liberty to submit the objections raised by them in this Writ Petition before the Committee within five days from today.

6. It is submitted by Respondent No.3 that the bids of all 12 tenders are opened on 17th August, 2021 and the list of the lowest bidders is prepared. We direct the Respondent No.3 – Municipal Council not to issue the work order and/or finalize the

bids only in respect of the subject matter of the present Writ Petition, till the report is submitted by the Committee to the District Collector and for a period of one week thereafter if the report is against the Petitioners. We clarify that this order is passed in respect of the Tender Notice being Outward No. DMC/168/2021 dated 05.05.2021 only and not for other development works.

7. We keep all the contentions of all the parties expressly open and clarify that we have not gone into the merits of case.

8. The above Writ Petition is disposed of accordingly. The above Interim Application also stands disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)