

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4950/2021

(M/s Jangde Construction Th: Its Partner vs. The Executive Engineer (Civil) MSEDCL, Chandrapur and another)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Shri R. K. Borkar, Advocate for the petitioners
Shri S.V.Purohit, Advocate for respondent no.1

**CORAM : SUNIL B. SHUKRE &
ANIL L. PANSARE, JJ.**

DATED : 6th December, 2021.

Heard Shri Borkar, learned counsel for the petitioner and Shri Purohit, learned counsel for respondent no.1. Nobody appears on behalf of respondent no.2.

2. The tender notice inviting applications for executing the construction of wall was published on 08.03.2021 and the technical bid of the petitioner was evaluated on 16.03.2021 which came to be rejected. Grievance of the petitioner is that it was rejected without assigning any reason and thus this rejection order was arbitrary and liable to be set aside. However we are of the view that there are some more facts which are required to be considered for examining the contention of the petitioner in its proper perspective.

3. The petition has been filed on 14th June, 2021 and it remained under office objection till 3rd December, 2021 when the office objections were removed and after removal of the office objections now the petition is listed before this Court.

4. Mr. Purohit, learned counsel for the respondent no.1 submits that the tender notice was invited for construction of the stated work within a period of six months from the date of the work order. He further submits on instructions that the work order was issued on 09.04.2021 and the site of work to be executed was handed over to the contractor to whom work order was issued, on 15.4.2021 and the due date of completion of work was on 14.10.2021 and that 90% of the work had been completed by 21.08.2021. In support, he invited our attention to the chart filed by him on record of the case.

5. We have gone through the chart which is at Page 41 of the paperbook and the information so sought and given to us is found to be correct. Now Shri Purohit, learned counsel for respondent no.1 on instructions submits that the remaining 10% work has also been completed.

6. These facts would show that the petition is now rendered infructuous and the issue involved in this case has turned purely an academic issue.

7. The Writ Petition is disposed of as infructuous. No costs.

JUDGE

JUDGE

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