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

14 WRIT PETITION NO.4315 OF 2022

**PRAGATI CONSTRUCTION THROUGH ITS PROPRIETOR SANDIP
UTTAMRAO NARWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. H.I. Pathan, Advocate for petitioner;
Mr. S.P. Tiwari, A.G.P. for respondents

**CORAM : R.D. DHANUKA
AND
S. G. MEHARE, JJ.**

DATE : 18th April, 2022

P.C.

1. The petitioner has impugned the order dated 6.4.2022 passed by the learned Additional District Collector, Jalna, thereby cancelling the auction sale in favour of the petitioner and confiscating 25% amount deposited by the petitioner towards auction bid.

2. The petitioner could not deposit the balance 75% amount within the time prescribed under the terms and conditions of auction. Though the petitioner had requested for extension of time to deposit the balance amount till 7.4.2022, the petitioner was granted

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extension of time to deposit only upto 31.3.2022. Under clause (11) of the Government Resolution dated 28.1.2022, power to grant further extension beyond the period of fifteen days vests with the State Government.

3. On 4.4.2022, the petitioner applied to the learned Revenue Minister for further extension of time, a copy whereof is annexed at page 57 of the writ petition and the said application is still pending for consideration before the learned Revenue Minister. In the meanwhile, the respondents have invited fresh tender for the same work, which was allotted to the petitioner.

4. We accordingly direct the State Government to decide the said application dated 4.4.2022 within a period of two weeks from the date of communication of this order.

5. Learned Counsel for the petitioner, on instructions, states that his client could not deposit the balance 75% amount within the time prescribed due to unavoidable circumstances already set out in the application seeking extension of time. He states that the balance

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amount with reasonable rate of interest can be deposited by his client in this Court within such time as this Court may direct or within such time the State Government may direct on the application dated 4.4.2022, which is pending before the learned Minister. The statement is accepted.

6. The learned Minister shall consider the statement made before this Court by the petitioner while considering the said application dated 4.4.2022 and shall pass an order in accordance with law and on its own merits.

7. Since under clause (11) of the said Government Resolution the State Government has power to grant further extension of time and in view of the fact that the application for granting extension dated 4.4.2022 filed by the petitioner is still pending, we direct the State Government not to proceed with the auction proposed to be held pursuant to the notice annexed at page 58 of the petition and proposed to be held tomorrow, for a period of three weeks from the date of communication of the order that would be passed by the State Government.

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8. If the application for extension made by the petitioner is granted, the learned Minister shall withdraw the order dated 6.4.2022 thereby cancelling the auction sale in favour of the petitioner and confiscating 25% amount of deposit made by the petitioner and grant all consequential benefits for awarding the said contract to the petitioner. If the application for extension is rejected, the petitioner would have liberty to file appropriate proceedings.

9. Writ Petition is disposed of in aforesaid terms. No order as to costs.

10. Parties to act on authenticated copy of this order.

11. Learned A.G.P. to communicate this order to the respondents during the course of the day.

(S. G. MEHARE, J.)

(R.D. DHANUKA, J.)

amj