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

902 WRIT PETITION NO.5617 OF 2022

**M/S SREE VENKATESWARA ENTERPRISES THROUGH ITS
PROPRIETOR CHAKKA SAI KRISHAN
VERSUS
SENIOR DIVISIONAL COMMERCIAL MANAGER**

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Mr R. A. Tambe, Advocate for petitioner;
Mr M. A. Golegaonkar, Advocate for respondent

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd August, 2022

PER COURT:

1. This matter was heard extensively on 01/08/2022 and 02/08/2022 and posted today for further submissions.
2. Submissions are made by the learned Advocate for the respondent, on the basis of the affidavit-in-reply. The learned Advocate representing the petitioners, on specific instructions requested us not to deal with the facts of the case and pass an appropriate order in the light of the statements made.
3. As such, it would be appropriate to reproduce the statements made, as under :-

(2)

(A) Statements made by the petitioner :-

(i) The petitioner is willing to address the respondent as against the order of debarring the petitioner from participating in any tender bid floated by the respondent for five years.

(ii) Insofar as the purported termination of contract is concerned, the petitioner would avail of a remedy, as may be permissible in law, including the remedy to approach an Arbitrator, if so prescribed in the contract.

(B) Statements made by the respondents :-

(i) Insofar as debarment for five years is concerned, the respondent would issue a show cause notice to the petitioner, calling upon it to explain, as to why it should not be debarred for five years.

(ii) In the event, the petitioner approaches an appropriate forum as against the purported termination of contract, the respondent would face such proceedings and all contentions be kept open.

3. In view of the above, this petition is disposed off, by recording the above said statements.

(3)

4. The respondent would issue a show cause notice to the petitioner on the point of debarring the petitioner for a particular duration, and after granting a reasonable opportunity of hearing in the form of submitting a written say, an order, as may be deemed appropriate, would be passed. The said exercise be completed within a period of 45 days from today. Insofar as the termination of contract is concerned, the petitioner may avail of a remedy, as may be permissible in law. All contentions of the litigating parties are kept open.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk