

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

907 WRIT PETITION NO.7170 OF 2022

**M/S ANNAPURNA CATERERS THROUGH ITS
PROPERITOR NAGANATH BHIMAPPA KASTURE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE HONBLE
MINISTER AND OTHERS**

...

AND

908 WRIT PETITION NO.7171 OF 2022

**M/S SAI BHOJANALYA AURANGABAD THROUGH ITS
PROPERITOR PRABHA SHANKAR GAUSHETE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE HONBLE
MINISTER AND OTHERS**

...

AND

909 WRIT PETITION NO.7172 OF 2022

**M/S SAI BHOJANALAYA AURANGABAD THROUGH ITS
PROPERITORSANTOSH PANDURANG RASAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE HONBLE
MINISTER AND OTHERS**

...

AND

910 WRIT PETITION NO.7173 OF 2022

**M/S SARASHWATI CATERERS AURANGABAD THROUGH
ITS PROPERITOR KASHINATH VISHWANATHAPPA
GOURSHETE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE HONBLE
MINISTER AND OTHERS**

...
Advocate for the Petitioners : Shri Doke Kishor R.
AGP for the Respondents/State : Shri S.G. Karlekar
...

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

DATE :- 11th August, 2022

Per Court :-

1. In all these matters, we had considered the submissions of the learned advocates appearing for the respective sides and had recorded the same vide our order dated 25.07.2022.

2. The learned AGP has placed on record the communication received by the Commissioner, Social Welfare Commissionerate, Pune, dated 10.08.2022 from the Additional Secretary, State of Maharashtra, Department of Social Justice and Special Assistance, Mantralaya, Mumbai. The said document is marked as "X" for identification.

3. The learned AGP submits that the request made by the petitioners cannot be accepted. However, he is instructed to make a statement that the e-tendering process has already commenced and these petitioners can submit their bids till 17.08.2022. It is an online tendering process. It is also stated that

the process would be concluded, hopefully, in and around two months time.

4. The learned advocate for the petitioners submits, on instructions, that these petitioners had actually rushed to the aid of the State Authorities in 2013, 2017 and 2018 when e-tendering process, though commenced, could not be taken to its logical end. To ensure that the beneficiaries are not put to hardships, these petitioners volunteered to supply the food/material at the rates existed at the relevant period. Subsequently, in other divisions, fresh e-tendering process was concluded and the rates that were granted under the fresh tendering process were about Rs.800/- per student per month, more than what was being paid to these petitioners.

5. The learned advocate for the petitioners submits that on the one hand, these petitioners tried to assist the State and on the other hand, the State is now declining to assist the petitioners when they are supplying food/material by suffering losses. Yet, in these circumstances, the petitioners are willing to put forth their bids by filling in online tenders prior to 17.08.2022. It is only prayed that their past experience in supplying food/material and catering to the needs of the State may be considered as a special

circumstance for giving higher preference to these petitioners.

6. In view of the above, these Writ Petitions are disposed off with the following observations :-

(a) Since fresh e-tendering process has been initiated and the petitioners would be submitting their bids, the concerned authority shall ensure that the tendering process is taken to its logical end and is concluded on or before 15.10.2022.

(b) For any reason whatsoever, if this tendering process is also cancelled as like earlier three episodes and if these petitioners agree to continue to supply the food/material, the State authorities shall ensure that they are paid the rates commensurate to those suppliers, who have been granted the tenders recently.

kps

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)