

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

960 WRIT PETITION NO.11123 OF 2021

**SHRIRAM BHOI SAHAKARI MACCHIMAR VYAVASAYIK
SOCIETY LIMITED TAMASWADI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Patil Vijay B.
AGP for Respondent/s-State : Mr. K. N. Lokhande.
Advocate for Respondent No.8 : Mr. Girish Rane.
Advocate for Respondent Nos.6 & 7 : Ms. Kshama Sharma.

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**CORAM : A. S. GADKARI, AND
S. G. MEHARE, JJ.**

DATE : 14.01.2022

P. C. :-

1. Petitioner, an unsuccessful bidder has questioned the contractual obligation between respondent Nos.7 and 8. Though Government Resolution dated 03.07.2019 prescribes a mechanism for Grievance Redressal by way of Appeal or Revision, without approaching the said forum, the petitioner has directly rushed to this Court by filing present petition under the Article 226 of Constitution of India. According to us, undoubtedly there are various disputed questions of facts involved in the present petition.

2. Despite the said fact situation, the learned counsel for the petitioner called upon us to test the veracity of his claim by invoking jurisdiction of this Court under Article 226 of Constitution of India. During the course of arguments, the learned counsel for the petitioner fairly submitted that, some of the Government Resolutions annexed to the present petition are not applicable to him. The said statement was a solemn statement made in Court and has its own sanctity in the eyes of law. Once it is said that, the said various Government Resolutions are not applicable to the petitioner, according to us, his participation in the bidding process conducted by respondent No.7 itself is in *jeopardy* and gives further rise to disputed questions of facts. In view thereof, cause of action for petitioner for filing petition does not survive.

3. We find no merits in the petition and the petition is accordingly dismissed.

(S. G. MEHARE, J.)

(A. S. GADKARI, J.)

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vmk/-