

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 18158 OF 2022
IN
WRIT PETITION NO.9786 OF 2021**

M/s. Joshi Freight Carrier, through
Partner Manoj Biharilal Joshi ...Applicant

V/s.

The State of Maharashtra, through
Principal Secretary, Department of
Food & Ors. ...Respondents

AND

**INTERIM APPLICATION NO. 18162 OF 2022
IN
WRIT PETITION NO.9787 OF 2021**

M/s. Joshi Freight Carrier, through
Partner Manoj Biharilal Joshi ...Applicant

V/s.

The State of Maharashtra, through
Principal Secretary, Department of
Food & Ors. ...Respondents

Mr. Simil Purohit i/by Mr. Gopal S. Singh for the
applicant.

Mr. P. P. Kakade, Government Pleader with Mr. B. V.
Samant, AGP for the State.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE: SEPTEMBER 15, 2022

P.C.:

- 1.** These interim applications seek recall of order dated 24th June 2022 passed by a coordinate Bench of this Court (cor. K. R. Shriram & Prithviraj K. Chavan, JJ.) whereby, at the request of the learned advocate for the petitioner, Writ Petition No. 9786 of 2021 together with Writ Petition No. 9787 of 2021 stood dismissed as withdrawn.
- 2.** The present applications are replete with allegations that the petitioner was forced to withdraw the writ petitions at the behest of certain miscreants who did not wish the petitioner to participate in the tender process. We need not examine the claim in depth having regard to the fact that the petitioner lodged a complaint with the police authorities forty-five (45) days' after such withdrawal. If indeed he had been forced to withdraw the writ petitions, we fail to comprehend as to why such a long time was taken by the petitioner to report to the police authorities that cognizable offence has been committed. We do not consider the claim of the petitioner to be *bona fide*.
- 3.** Both the interim applications stand rejected.
- 4.** No costs.
- 5.** This order, however, will not preclude the police authorities to investigate the complaint lodged by the petitioner in accordance with law, if at all a FIR has been registered under section 154 of the Criminal Procedure Code.

(MADHAV J. JAMDAR, J.)**(CHIEF JUSTICE)**