

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1575 of 2022

Karan Agency,
through its Proprietor
Mr. Ashok Ramrao Bijwar

... Petitioner

Versus

The State of Maharashtra and others

... Respondents

Mr. S.S. Ghate, Advocate for Petitioner.

Mr. A.A. Madiwale, Assistant Government Pleader for Respondent
Nos.1, 3 and 4.

Mr. Akshay A. Naik, Advocate, with Mr. Rohan R. Deo, Advocate
for Respondent No.2.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 11 APRIL 2022

P.C.:

Heard the learned Counsel for the parties. Taken up for
disposal.

2. The Respondent No.2- Maharashtra Fisheries Development Corporation had published an e-Tender on 21 October 2015 for operating a fishing tank situated at Bembla, District Yavatmal. The Petitioner participated in the tender and he was found to be the

highest bidder. Pursuant to the bid having been found successful, the Petitioner was allotted the tender and an agreement was executed on 20 March 2017 and the amount of Rs.60,55,786/- was fixed. The period of the agreement was for five years from 22 March 2017 to 21 March 2022. The period under the agreement expired on 22 March 2022. The Petitioner made an application/representation to the Respondent No.2 to grant further extension *inter alia* in view of the fact that the water level had dropped below the stipulated limit and there were restrictions due to COVID Pandemic.

3. The Government Resolution dated 22 February 2019 regulates the grant of tender and consequently the execution of agreement for the fishing activities. The Resolution constitutes a Tank Allotment Committee. The Government Resolution states certain contingencies under which the Tank Allotment Committee can consider as to whether the situation would fall within the ambit of the Government Resolution and if it falls, whether in fact the tenderer has made out a case for extension.

4. It is not necessary for us to decide the issue of extension. Since the representation of the Petitioner is pending, we direct that the same be decided on its own merits by the Respondent No.2/Tank Allotment Committee and the outcome be communicated to the Petitioner. The decision on the Petitioner's representation be taken within a period of two weeks and the decision be informed to the Petitioner thereafter.

5. The Writ Petition is accordingly disposed of.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)