

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

WRIT PETITION NO. 2686 of 2021

Bhoi Samaj Sahakari Sanstha Warora through its President-Damodar Dodkuji Ruyarkar & ors.

Versus

State of Maharashtra through its Secretary, Department of Animal Husbandary, Fishery and Dairy Development, and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Smt. Shilpa P. Giratkar, Advocate for petitioners.
Shri A.A.Naik, Advocate for respondent no.2.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- SEPTEMBER 27, 2022

P.C.

Heard.

The challenge raised in this writ petition is to the e-Tender notice issued by the respondent no.2 dated 12.04.2021. By the said Tender notice the respondent no.2 had invited bids to undertake fishing activities at Chargaon Tank admeasuring 450 Hectares situated in Warora, District Chandrapur for the period from 2021-22 to 2025-26. The bids were to be submitted between 14.04.2021 to 03.05.2021. They were to be opened on 06.05.2021. The principal challenge raised by the petitioners is that the Tender notice has been issued without considering the Government Resolution dated 22.02.2019.

This Court on 18.05.2021 while issuing notice granted ad-interim relief and stayed the effect and operation of the Tender notice. It is seen that on 03.07.2019 the State Government has issued another Government Resolution superceding the earlier Government Resolution dated 22.02.2019. In effect, when the writ

petition was filed, the Government Resolution dated 03.07.2019 was operating.

Be that as it may, we find that with passage of time the Tender notice which is under challenge cannot be taken any further. We also find that during the pendency of the present proceedings Corrigendum has been issued on 03.01.2022 and followed by another Government Resolution dated 12.09.2022. Even if the petitioners' challenge is accepted, a fresh Tender notice would now be required to be issued.

Considering the aforesaid, we find that the challenge raised in the writ petition *vis-a-vis* dated 22.02.2019 has been rendered academic. We therefore do not deem it necessary to decide the challenge on merits in these facts.

The writ petition is disposed of. The respondent no.2 is free to issue a fresh Tender notice as per prevailing policy. If the petitioners are aggrieved by any of the Tender conditions or Tender notice, they are free to challenge the same in accordance with law. All the points raised in the writ petition are kept open.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..