

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

902 WRIT PETITION NO.6207 OF 2023
WITH CA/7955/2023 IN WP/6207/2023

MALGANGA MACHCHHIMAR COOPERATIVE SOCIETY LTD THROUGH
ITS SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Mr. G. R. Syed, Advocate for Petitioners
Mr. P. K. Lakhotiya, AGP for Respondents State
Mr. G. K. Thigale-Naik, Advocate for the Intervenor

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 6th July, 2023

ORDER:

1. After this matter was heard for some time and after perusing the civil application filed by the Intervenor, it appears that the petitioners have a remedy of approaching the competent authority by preferring an appeal or revision. So also, there seems to be a dispute as to whether the petitioners were in the knowledge of the order dated 13.04.2023 passed by the Commissioner of Fisheries thereby disqualifying the petitioners and the communication dated 18.04.2023 addressed to the petitioners. The petitioners submit that they have not received either of these communications.

2. The learned counsel for the petitioners submits that the petitioners would approach the competent authority under Clause 33 of the GR dated 3rd July, 2019. The status quo order passed on 12.06.2023 may be continued at least for one week.

3. The learned AGP and the learned Advocate for the Intervenor submit that the work orders are already issued. According to them, the petitioners have systematically suppressed their disqualification on the pretext that they do know any such orders passed on 13.04.2023. So also, by each passing day, a loss is caused to the State exchequer as well as to the best bidders. Though the work orders are issued, the work cannot be commenced due to the order of this Court and being a fishery society, and the subject matter is of the tender for seeding and fishing rights, a loss to the best bidder would naturally mean that it would cause loss to the State exchequer.

4. At this stage, the learned Advocate for the petitioners submits that this petition be disposed off with liberty to the petitioners to approach the concerned authorities. As such, this **petition is disposed off** with liberty as is prayed for.

5. In the alternative, the petitioner is at liberty to take recourse to a proceedings in the light of Paragraph 25 of the judgment in the case of **N.G. Projects Ltd. Vs. Vinod Kumar Jain and others [(2022)6**

SCC 127). Needless to say, the ad interim order passed earlier stands vacated.

6. In view of disposal of the petition, the Civil Application also stands disposed off.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan