

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

69 WRIT PETITION NO.121 OF 2021

MAGASVARGIYA FISHERY BUSINESS
COOPERATIVE SOCIETY LTD SHINGOLI
THR ITS CHAIRMAN

VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr Sahebrao A Nagarsoge
AGP for Respondent Nos. 1, 2 and 5: Mr S.J. Salgare
Advocate for Respondent No. 3 and 4 : Mr R.D. Raut
Advocate for Respondent No. 6 : Mr S.A. Wakure

**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 20-02-2023

PER COURT :

1. Heard both the sides.
2. The petitioner is impugning the communication dated 7 October 2020 allotting the contract for fishing to the respondent No. 6 pursuant to the public auction held in terms of the public notice dated 25 August 2020.
3. The petitioner which is a fishing society registered under the Maharashtra Co-operative Societies Act claims that the reservoir in respect of which the contract has been issued in favour of the respondent No. 6 falls within the territorial limits of the village Shingoli and it is the only society registered in respect of that village. It is the petitioner's stand that in view of the policies of the government, the petitioner being the only society registered from that village was entitled to have the contract.
4. We have carefully considered the petition and the replies.

5. Though at some point of time, the petitioner had approached this Court with the self-same grievance before the auction was held issue as to whether the tank/reservoir situates within the limits of only village Shingoli or jointly in two villages Shingoli and Upala was raised and remained undecided.

6. Admittedly, the petitioner participated in the tender process pursuant to the notice dated 25 August 2020 which specifically mentioned that the society from Shingoli and Upala both would be entitled to participate. The specific averments in the affidavit-in-reply filed on behalf of the respondent Nos. 3 to 5 in para No. 4 about the petitioner's society having participated in that tender process has not been contraverted by the petitioner.

7. Once having taken part in the tender process which expressly stated and permitted the societies registered in both the villages to be entitled to participate and having failed to secure the contract, the petitioner cannot be allowed to turn around and question the allotment.

8. There are no allegations in respect of any other matter in allotment of the contract to the respondent No. 6.

9. The writ petition is dismissed.

[S.G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

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