

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12799 OF 2023
IN PIL/98/2021

SHRI SAIBABA SANSTHAN SHIRDI THR ITS ADMINISTRATIVE OFFICER
VERSUS
THE STATE OF MAHARASHTRA THR ITS PRINCIPAL SECRETARY

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Advocate for Applicant : Mr. R.S. Wani h/f. Bajaj Anil S.
GP for Respondents: Mr. D.R. Kale
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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.
DATE : 27th October, 2023

PC. :-

1. On 20.10.2023, we had passed the following order:

“1. The Sansthan shall explain why the tendering process is not being followed when the purchase of medical Oxygen, Nitrous and Carbon Dioxide, is estimated at Rs. 1,37,65,722/- and is sought to be purchased directly from Balaji Trading Company, Sangamner.

2. Unless we are convinced of the reasons as to why the tendering process is not followed, we would not permit the implementation of the resolution mentioned in the prayer clause.

3. List this application on 27.10.2023.”

2. The learned advocate representing the Sansthan submits on instructions that the earlier e-tendering process did not yield any result. Nevertheless, the Sansthan is agreeable without any reservation that the e-

tendering process will be followed while purchasing medical Oxygen, Nitrous and Carbon Dioxide in the light of the resolution no.540 dated 23.08.2023.

3. In view of the above, **this Civil Application is disposed off** with liberty to the Sansthan to initiate the process of e-tendering for the purchase of Oxygen, Nitrous and Carbon Dioxide for an amount estimated @ Rs.1,37,65,722/- or as may be decided in a resolution to be freshly passed for adhering to the e-tendering process.

4. The learned advocate for the Sansthan submits that until the above process is complete, medical Oxygen, Nitrous and Carbon Dioxide will be required for the hospital. If the arrangement existing today for purchasing these items with a slight increase with regard to the Nitrous gas, rest of the items would be supplied at the old rates that were applicable for the period when the said Contractor was declared eligible. In so far as Nitrous gas rate is concerned, earlier rates of Nitrous per liter was Rs.0.29 per liter. Presently, the same supplier who would be supplying these items until 31.12.2023, prays for a slight increase in Nitrous gas rates @ Rs. 0.51 per liter.

5. We accept the above request and order accordingly. We, therefore, permit the same Contractor to supply the above said items to the Sansthan until

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31.12.2023. The rate of Nitrous gas would be Rs. 0.51 per liter. The rates of the rest of the items would remain the same.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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