

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

**CIVIL APPLICATION NO.17230 OF 2022
IN PIL/98/2021**

**SHREE SAI BABA SANSTHAN TRUST SHIRDI THROUGH
ITS CHIEF EXECUTIVE OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY**

**WITH
CIVIL APPLICATION NO.17231 OF 2022
IN PIL/98/2021**

**THE STATE OF MAHARASHTRA
VERSUS
UTTAM RAMBHAJI SHELKE AND OTHERS**

...
Advocate for the Applicant in CA 17230/22 : Shri Bajaj Anil S.
AGP for the Applicant in CA 17231/22 and Respondents/State :
Shri V.M. Kagne
Advocate for the PIL Petitioner : Shri Ajinkya Kale h/f Talekar &
Associates
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 03rd January, 2023

Per Court :-

(a) Civil Application No.17230 of 2022 :-

1. By this Civil Application, the applicant Shree Sai
Baba Sansthan Trust, Shirdi, has put forth prayer clause B as

under :-

“B. The applicant may kindly be permitted to implement the Resolution No.538 dated 18.10.2022 passed by the Adhoc Committee in their meeting held on 18.10.2022 for procurement of Computers, UPS and Printers for Shri. Saibaba Hospital and Shri. Sainath Hospital.”

2. It is specifically pleaded in paragraphs 6 and 7 that the estimation of the applicant Trust for purchasing new computers, UPS and printers, by adopting the e-tendering method, was Rs.1,56,56,213/-, not inclusive of taxes. During the e-tendering process, the lowest tenderer quoted an amount of Rs.1,28,05,360/-, not inclusive of taxes.

3. The learned AGP submits that the offer of the L-1 bidder is much below the estimated costs and, therefore, the permission to implement the decision to purchase new computers, UPS and printers as per the L-1 bid, can be granted.

4. We find that the L-1 bid is almost 30% less than the estimation of the applicant. We are informed by the applicant that the requirement of the applicant would be achieved and the quality of the equipment is not compromised, by the L-1 bid.

5. In these circumstances, Civil Application

No.17230/2022 is allowed. The resolution No.538 dated 18.10.2022, passed by the Ad-hoc Committee in the light of the L-1 bid, be implemented.

CONFIDENTIAL REPORT FROM THE LEARNED PDJ

6. The learned Principal District and Sessions Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, appointed by the High Court, has tendered a confidential report dated 21.12.2022 in a sealed envelope. The envelope was opened in the Court hall and we have perused the extensive report submitted by the Chairman and the Ad-hoc Committee. We find that there are several instances of financial irregularities alleged to have been committed by the then Chief Executive Officer (we have not mentioned the name of the said official in this order).

7. The copy of this report has been tendered to the Honourable The Chief Justice of the Bombay High Court and the Principal Secretary, Department of Law and Judiciary, State of Maharashtra.

8. In view of the copy of the report having been placed before the Honourable The Chief Justice of the Bombay High Court, we do not deem it appropriate to pass any order.

9. We direct the learned Registrar (Judicial) of this

bench to place the report in the same envelope, seal the envelope and preserve it.

(b) Civil Application No.17231 of 2022:-

10. This application was filed on 21.10.2022, vide which, the State Government has sought extension of time by six weeks for complying with the directions of this Court, dated 13.09.2022 passed in PIL No.98/2021.

11. The learned advocate representing the PIL petitioner submits that one of the Trustees has approached the Honourable Supreme Court by filing Petition for Special Leave to Appeal (C) Nos.16460-16461/2022. Vide order dated 04.11.2022, the Honourable Supreme Court has permitted the State Government to implement the directions of this Court and submit a report by 10.01.2023 before the Honourable Supreme Court.

12. In view of the above, we find that this application need not be considered since the State is directed to file a report before the Honourable Supreme Court.

13. Civil Application No.17231/2022 is, therefore, disposed off.