

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

**CIVIL APPLICATION NO.13586 OF 2023
IN WP/7085/2023**

R.K. Infraconstro Pvt. Ltd
through its authorised signatory
Shubham s/o Madhav Thakre

... **APPLICANT**

VERSUS

1. The State of Maharashtra
through its Principal Secretary
Rural Development Department
Mantralaya, Mumbai – 32
2. The Accountant (Gr.C.),
PMGSY, MRRDA, Nandurbar,
Dist. Nandurbar.
3. The Executive Engineer
PMGSY, MRRDA, Nandurbar,
Dist. Nandurbar.
4. The Accountant (Gr.B)
PMGSY, MRRDA, Nashik Circle,
Nashik, Dist. Nashik,
5. The Deputy Engineer,
PMGSY, MRRDA, Nashik Circle,
Nashik, Dist. Nashik,
6. The Superintending Engineer,
PMGSY, MRRDA, Nashik Circle,
Nashik, Dist. Nashik,
7. Shantaram Sahebrao Patil,
8. Dashrath Vikram Patil
9. M/s. Girija Construction
through its Proprietor
Avinash Shankarao More

... **RESPONDENTS**

...

Advocate for petitioner : Mr. U.R. Awate h/f. Talekar and Associates
AGP for respondent /State : Mr. S.G. Karlekar

...

CORAM

**: MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE

: 10.11.2023

PER COURT :

Heard both the sides. By way of this application the original petitioner is seeking restoration of the writ petition which has been dismissed in default for non-removal of the office objections, with a prayer to condone the delay of 40 days in seeking restoration.

2. The learned AGP for the respondent Nos.1 to 6 opposes the application stating that he has objection to condonation of delay and restoration of the writ petition.

3. Respondent Nos.7 to 9 who are the contesting respondents and the rival bidders, have been duly served but none has appeared.

4. Considering the nature of the dispute coupled with the meager delay, for the reasons mentioned in the application which have gone without any demur, the application is allowed, the delay is condoned and the writ petition is restored.

5. The learned advocate for the petitioner submits that interim relief was in operation till the time the petition was dismissed in the form of not to open the financial bids, and the interim relief be continued.

6. The learned AGP for the respondent Nos.1 to 6 submits that already financial bids have been opened, necessary approval from the Government has also been received yesterday and he has strong objection for extension of interim relief considering the fact that it is a public project and in the light of the principles laid down in the matter of **M/s. N.G. Projects Limited Vs M/s. Vinod Kumar Jain & Ors;(2022) 6 SCC 127.**

7. Considering the supervening events, any work order issued pursuant to the tender in question shall be subject to the final outcome of the writ petition.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

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