

Pdp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1863 OF 2023

Smt. Kamal Vasant Lahane .. Petitioner

Versus

The Union of India & Ors. .. Respondents

WITH

WRIT PETITION NO. 1865 OF 2023

Shri Vasant Sakham Darade .. Petitioner

Versus

The Union of India & Ors. .. Respondents

WITH

WRIT PETITION NO. 1861 OF 2023

Shri Varghese Samuel .. Petitioner

Versus

The Union of India & Ors. .. Respondents

Mr. Abhishek Nandimath a/w Mr. Suyash Khose & Krushna Jaybhay for petitioners.

Mr. Pralhad Paranjape a/w Mr. Ajinkya Jaibhave for respondents/UoI in all WPs.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 17, 2023

P.C.:

1. We have heard the learned counsel for the petitioners and the learned counsel for the respondents/UoI.

- 2.** The grievance of the petitioners is with regard to the breach of the agreements entered into between the petitioners and the respondents/UoI.
- 3.** The petitioners are operating Wet Canteen and Grocery Shops within the premises of Nashik Road Camp, Nashik.
- 4.** Under the impugned communications, the authorization to sell certain materials/items by the petitioners was deleted and the exclusive right to sell those materials/items were given to respondent nos.5 to 7.
- 5.** The learned counsel for the petitioners submits that no reason has been given by the respondent/authority while passing the impugned order. According to him, as per the agreements and the RFP, the petitioners are entitled to sell all the items which the petitioners are now not allowed under the impugned order.
- 6.** The learned counsel for the respondents/UoI submits that the petitioners have a remedy before the Arbitrator as per RFP and also before the Commandant as per the agreements. The petitioners have not approached the said authority.
- 7.** We do not find reasons being given in the impugned order. The impugned order appears to be bereft of reasons.
- 8.** The petitioners have a remedy before the Commandant as per Clause 30 of the agreement. The petitioners may approach the Commandant and file an application/representation as contemplated under the agreement, preferably within 7 (seven) days from today. If the application is filed by the petitioners within 7 (seven) days with the Commandant, the Commandant shall consider plea of the petitioners and shall take decision upon it, preferably within 15 (fifteen) days from the date of receipt of the application.
- 9.** In case the petitioners file an application to the Commandant within 7 (seven) days from today, then the arrangement made under the impugned order, permitting the petitioners to sell-out the

deleted items upto 20th February, 2023, is extended till the decision is taken by the Commandant on the application/ representation of the petitioners.

10. With these observations and directions, writ petitions are disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)