

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 1924 OF 2023**

**(Dilip Satyanarayan Gattani Vs. State of Maharashtra & Ors.)**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Shri R.S. Kurekar, Advocate for the petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for  
respondent Nos. 1 to 3/ State.

**CORAM : A.S. CHANDURKAR AND**  
**M.W. CHANDWANI, JJ.**  
**MARCH 27, 2023.**

In the tender process conducted by respondent No.4 – Municipal Council, the petitioner contends that being the lowest bidder, he was entitled to be awarded the work in question. However, on account of transfer of the Chief Officer of the Municipal Council, that tender process came to be cancelled. The petitioner seeks to challenge this action of the Municipal Council.

2] It is seen that the earlier tender notice was dated 5/9/2022 in which the petitioner's bid was found to be L1. However, after cancellation of this tender notice, a fresh tender notice came to be issued by the Municipal Council in the year 2023. With the issuance of fresh tender notice, the question of going into the correctness of cancellation of the earlier tender notice would not arise, especially when the petitioner has himself participated in the subsequent tender notice.

3] The petitioner also seeks to challenge condition Nos. 8, 12, 22 and 26 of the present tender notice issued on 17/2/2023. It is however seen that the petitioner himself has participated in the fresh tender notice and his bid is shown to be L2. Having participated in the said tender notice, it would

not be permissible for the petitioner to challenge the conditions imposed therein.

4] For the aforesaid reasons, we do not find any case made out to interfere in writ jurisdiction. The Writ Petition is therefore dismissed with no order as to costs.

Sumit (JUDGE)

(JUDGE)