

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 14638 OF 2023
IN PIL/98/2021

SHREE SAI BABA SANSTHAN TRUST, SHIRDI THR ITS
EX. ENGINEER/ADMINISTRATIVE OFFICER,
AHMEDNAGAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

WITH

CIVIL APPLICATION NO. 561 OF 2024
IN PIL/98/2021

SHRI SAIBABA SANSTHAN SHIRDI THR ITS ADM.
OFFICER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

WITH

CIVIL APPLICATION NO. 562 OF 2024
IN PIL/98/2021

SHRI SAIBABA SANSTHAN SHIRDI THR ITS ADM.
OFFICER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

WITH

CIVIL APPLICATION NO. 563 OF 2024
IN PIL/98/2021

SHRI SAIBABA SANSTHAN SHIRDI THR ITS ADM.
OFFICER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Applicant : Mr. Bajaj Anil S.
GP for the Respondents/State : Mr. A.B. Girase

Advocate for the PIL Petitioner : Ms. Pradnya S. Talekar
Advocates for the Intervenors : Mr. R.R. Karpe, Mr. Amol
Sawant, Mr. S.S. Thombre, Mr. M.V. Jaju and Mr. Parag Barde

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRADE, JJ.**

DATE :- 12th January, 2024

Per Court :-

(a) Civil Application No.14638/2023:-

1. We have heard the learned Advocates for the respective sides. We are informed that Resolution No.684 has been verified and approved by the learned Principal District and Sessions Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee with Shree Saibaba Sansthan Trust, Shirdi. We have also noted the reasons for permission for appointment of a new consultant to prepare the revised scheme for the first phase of Nilwande Dam Water Project by inviting e-tenders. The first phase pertains to the internal pipeline within the prescints of the Sansthan.

2. In view of the above, **this Civil Application is allowed in terms of prayer clause B**, which reads as under:-

“B) This Hon’ble Court may kindly grant permission to implement Resolution No.684 passed by the Ad-hoc Committee in its meeting dated 21.11.2023 pursuant

to which the Ad-hoc Committee has allowed the applicant to pay the remaining amount of Rs.60 lakhs towards preparation of scheme and technical sanction and also PMC charges to Maharashtra Jeevan Pradhikaran (MJP). The permission may also kindly be granted to appoint a new consultant to prepare a revised scheme for first phase of the project by way of inviting e-tenders.”

(b) Civil Application No.561/2024:-

3. By an earlier order dated 11.08.2023 passed on Civil Application No.3681/2023, we had recorded in paragraph Nos.2 and 3 as under:-

- “2. *The Public Interest Litigation No.15 of 2020 pertaining to the installation of a specialized security agency, is being looked into by this Court. We are informed that the contract with the present contractor has expired almost three months ago. He is still rendering his services on month to month basis awaiting a decision in the Public Interest Litigation No.15 of 2020.*
3. *In view of the above, this Civil Application is disposed off by permitting the Sansthan to grant an extension to the said contractor until 31.12.2023, subject to the orders that would be passed in Public Interest Litigation No.15 of 2023. A decision in the Public Interest Litigation would binding on the contractor and in the event, any specialised security agency is permitted to deploy its security force, the extended contract with the contractor at issue, would come to an end. This aspect be made known to the said contractor while issuing him a letter of extension.”*

4. In view of the above and for the same reasons, **this Civil Application is allowed in terms of prayer clause B**, which reads as under:-

“B) The Applicant may kindly be permitted to implement the Circulatory Resolution dated 20.12.2023 passed by Ad-hoc Committee for extension of the earlier Security Contractors on the same rates till 31.03.2024.”

(c) Civil Application No.562/2024:-

5. We have perused Resolution No.691 in the light of the expert opinion tendered by Dr. P.K. Deshmukh, Head of Department, Department of Computer Engineering and Information Technology, COEP Technological University, Pune, dated 27.09.2023. We are informed that the learned Principal District and Sessions Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, has approved Resolution No.691.

6. In view of the above, **this Civil Application is allowed in terms of prayer clause B**, which reads as under:-

“B) This Hon’ble Court may kindly grant permission to implement Resolution No.691 passed by the learned Ad-hoc Committee in its meeting dated 21.11.2023 pursuant to which the Applicant is permitted to purchase the Computer Hardware and Networking Components etc. via E-Tender under the guidance of M/s. TCS and with the Technical sanction of COPE, Pune for which an estimated cost of Rs.12.5 Crores

is to be spent via E- Tender process.”

(d) Civil Application No.563/2024:-

7. In similar circumstances, this Court has passed an order on 17.03.2023 in Civil Application No.3683/2023. By this Civil Application, Shree Saibaba Sansthan Trust, Shirdi, prays in terms of prayer clause B as under:-

“B) This Hon’ble Court may kindly grant permission to implement the Resolution No.92 dtd. 20.02.2023 passed by the Ld. Ad-hoc Committee pursuant to which the learned Ad-hoc Committee has given its approval for the payment of the extended time worked by the earlier contractor on the same rates for which cost of Rs.52,82,673/- has incurred.”

8. We have perused Resolution No.92. We are informed that the learned Principal District and Sessions Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee, has also approved the said resolution.

9. In view of the above and for the reasons set out, **this Civil Application is allowed** in terms of prayer clause B reproduced above.