



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8022 OF 2024

PRASAD PRALHADRAO CHAPAKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...
Advocate for Petitioner : Mr. Sachin Deshmukh h/f Mr. Shaikh Majit S.
A.G.P. for Respondents/State : Mr. P.S. Patil

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 31.07.2024

PER COURT :

Heard the learned advocate Mr. Deshmukh for the petitioner.

2. The petitioner is coming with following prayers:

“(A) To hold and declare that, impugned "undated" corrigendum issued by respondent no.4 as illegal, arbitrary and unsustainable with further directions to commenced and conclude the works issued pursuant to the tender ID No. ID No.2024_PWR-1030672_4 for construction of farmers guest House-1,2024_PWR-1030672_5 construction of internal road and 2024_PWR-1030672_6 for construction scientist guest house-2 for Honorable Balasaheb Thackeray Haridra Research Training Center at Basmath, Tq. Basmath, Dist. Hingoli; and for that purpose issue necessary directions.

B) To hold and declare that the impugned E-tender notice No.04/2023-2024 No.4695/TC/E-TN-04/2024 dated 5/7/2024 Issued by the Executive Engineer Public Works Division Akola for the construction of central building, guest houses, farmers accommodation, staff

accommodation, development of internal road, infrastructure under Honorable Balasaheb Thackeray Haridra (Turmeric) Research and Training Center with Electrification at Basmat Dist. Hingoli as illegal, arbitrary and unsustainable as such quash and set aside the same forthwith; and for that purpose issue necessary directions.

C) During pendency and final hearing of the present Writ Petition forbear the respondent no.5 to 7 from proceeding in any manner pursuant to impugned E-tender notice No.04/2023-2024 No.4695/TC/E-TN-04/2024 dated 5/7/2024 issued by the Executive Engineer Public Works Division Akola for the construction of central building, guest houses, farmers accommodation, staff accommodation, development of internal road, infrastructure under Honorable Balasaheb Thackeray Haridra (Turmeric) Research and Training Center with Electrification at Basmat Dist. Hingoli; and for that purpose issue necessary directions.

3. Mr. Deshmukh would submit that respondent nos. 2 to 4 floated a tender for undertaking three different works by publishing separate notices. He would submit that contrary to the policy of the Public Works Department recognizing different regions, circles, divisions and sub divisions, the tender process was aborted illegally and a fresh tender has been floated by respondent nos. 5 to 7 on 05.07.2024 for the self-same work. Since the proposed work falls in the territory of respondent nos. 2 to 4 at Balasaheb Thackeray Haridra (Turmeric) Research & Training Centre, Basamt, District Hingoli, the respondent nos. 5 to 7, who are the officers of the Public Works Department of Amrawati and Akola region, had no authority to accord administrative and technical sanctions. He would further submit that there was no sufficient and cogent reason to abort the tender process being undertaken by respondent nos. 2 to 4. In fact by such cancellation of the tender process and floating a new tender there is enormous escalation in the estimated cost which would drain the public money.

4. He would also take us through the Maharashtra Public Works Manual and would submit that even the cancellation has been published without any date. He would submit that the petitioner being a public spirited citizen has the locus to make the above prayers.

5. We have considered the submissions of Mr. Deshmukh. We have no manner of doubt in recording the emphatic observation that the petitioner has no *locus standi*. It is not a public interest litigation. He cannot be allowed to challenge the decisions of cancelling the tender process and undertaking a fresh tender process by some different authorities of the Public Works Department from some different region.

6. The petitioner, who claims to be a government contractor had not even participated either in the earlier tender process, cancellation of which he is challenging, nor has he made any attempt to participate in the fresh tender process being undertaken by respondent nos. 5 to 7.

7. If such is the state of affairs, we have a serious doubt as to the intention of the petitioner to come with the aforementioned prayers. We, therefore, have no hesitation in observing that the petition has been filed with some hidden agenda. The petition is clearly frivolous and is liable to be dismissed with costs.

8. The Writ Petition is dismissed with costs of Rs. 10,000/- (Rs. Ten Thousand only) to be deposited by the petitioner within two weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-