

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2176 OF 2024

Rupamata Agrotech Pvt. Ltd.	}	Petitioner
versus		
Maharashtra State Co-operative	}	
Bank Limited & Ors.	}	Respondents

Mr. D. G. Dhanure for the petitioner.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 18th APRIL 2024

P.C.:

- 1.** Heard Mr. Dhanure, learned counsel for the petitioner.
- 2.** By instituting the proceedings of this petition under Article 226 of the Constitution of India, the petitioner challenges a decision dated 6th March 2024 of the respondent no. 1 whereby the respondent no. 2 has been permitted to rectify the mistake in the bid submitted by it pursuant to the tender issued for lease of the factory of Mahesh (Kada) Sahakari Sakhar Karkhana Ltd., Kada, Tal. Asthi, Dist. Beed. The petitioner has also prayed for a declaration that the petitioner be declared as the highest and successful bidder in the process and that the respondent no. 2 would stand disqualified in the said tender process.
- 3.** Learned counsel for the petitioner has submitted a draft amendment with the prayer that the petitioner may be

permitted to amend the writ petition paving way for challenging the decision dated 18th March 2024 whereby the subject tender process itself has been cancelled.

4. The respondent no. 1 issued a tender notice for lease of a sugar factory, namely, Mahesh (Kada) Sahakari Sakhar Karkhana Ltd., Kada, Tal. Asthi, Dist. Beed. Pursuant to the said tender notice, three tenders were submitted, one by the petitioner and the other two by respondents 2 and 3 respectively. The opening of financial bids, pursuant to the subject tender, was postponed from time to time and it was fixed to be opened on 5th March 2024. It was noticed, however, on 6th March 2024 by the authorized officer that so far as the fixed rent quoted by the respondent no. 2 for the third and fourth year of the lease is concerned, the same was less than the minimum rent and the authorized officer decided to permit the respondent no. 2 to rectify the said mistake in the bid submitted by it. It is this decision which is under challenge in this petition.

5. By the draft amendment, the petitioner has prayed that he may be permitted to amend the petition challenging the decision dated 18th March 2024, whereby the said tender itself has been cancelled.

6. Once the subject tender itself has been cancelled, the decision dated 6th March 2024, which is impugned in this petition, is rendered redundant and accordingly, the decision dated 18th March 2024 cancelling the entire tender process gives the petitioner a fresh cause of action, which can be subjected to challenge by the petitioner by taking recourse to an appropriate legal remedy which may be available to it under law. We are,

thus, not inclined to entertain the prayer for amending the writ petition. The writ petition, on account of the decision dated 18th March 2024 for cancelling the subject tender, has been rendered infructuous, which is hereby dismissed as such.

7. However, having regard to the subsequent decision dated 18th March 2024 cancelling the subject tender, we grant liberty to the petitioner to file a fresh petition or to take recourse to any other legal remedy which may be available to it under law for challenging the decision dated 18th March 2024 without prejudice to any of the rights of the petitioner or the contentions raised in this petition on its behalf.

JAYANT
VISHWANATH
SALUNKE

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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)