



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

WRIT PETITION NO. 3081 of 2024

Nal Damayanti Sagar Matya Utpadak Va Matsya Vyavasaya Macchimar
Sahakari Sanstha Maryadit

vs.

The State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. M. Ghare, Advocate for petitioner.

Shri D.V. Chauhan, Government Pleader for respondent nos. 1 to 4.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 9th MAY, 2024.

Heard.

2. The challenge in the petition is to the minutes of the meeting held on 25.09.2020, at Annexure F, whereby a decision was taken to allot a fishing rights in favour of the respondent no.4 for a period of five years w.e.f. 01.07.2020 to 30.06.2025.

3. The challenge is principally based on the issue that the petitioner is targeted in such a manner so as to disqualify him in the tender process by way of malafide blacklisting.

4. Mr. Ghare, learned counsel for the petitioner, by inviting our attention to the observations made in the order passed by the Division Bench dated 19.08.2022 in Writ Petition No.824 of 2021 submits that the State Government pursuant to the observations made therein has already set aside blacklisting of the petitioner vide order dated 03.01.2024. In such an eventuality, once the petitioner has come out with a plea of malafide blacklisting, such a plea, according to the petitioner, is required to be looked into in this writ petition having regard to the observations made by the Division Bench in para 9 of the order dated 19.08.2022 referred supra.

5. While resisting the aforesaid prayer Mr. Chauhan, learned Government Pleader, would submit that much water has flown after the contract of the same awarded in favour of the respondent no.4 which would conclude on 30.06.2025 and as such, this Court slow in interfering in extra ordinary jurisdiction in contractual matters having regard to the peculiar facts and circumstances.

6. We have appreciated the submissions.

7. *Prima facie*, there appears substance in the submission of Mr. Ghare that the petitioner was blacklisted without following due process of law. However, such a blacklisting was set aside pursuant to the directions issued by this Court in its order dated 19.08.2022.

8. The contract period of the respondent no.4 would come to an end within a year and the policy of the respondent-State in the matter of allotment of tender contemplates award of contract of fishing for a period of five years. Since the period of four years is already over, we deem it appropriate not to cause any interference in extra ordinary jurisdiction.

9. As such, we dispose of the writ petition with a liberty to the petitioner to take recourse by seeking damages against the State including its Officers, who were responsible for taking a decision of blacklisting the petitioner without following due process of law which the petitioner is claiming to be malafide.

10. In case, if a fresh tender process is issued after end of this contract i.e. 30.06.2025, needless to observe that the petitioner would be at liberty to participate in the same irrespective of damages, if any, claimed by the petitioner in other proceedings.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)