



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

WRIT PETITION NO. 4795 of 2024

M/s. Krushna Buildcon, Gondia, through its Partner Anil D.Hundani and another
vs.
Municipal Council, Gondia, through its Chief Officer and another

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

Court's or Judge's Order

Mr. K.J.Topale, Advocate for petitioner.
Mr M. I. Dhatrak, Advocate for respondent no.1-Municipal Council.
Mr N. S. Rao, AGP for respondent no.2-State.

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

DATE :- 19th AUGUST, 2024

P .C.

Heard.

2. The challenge in the petition is to the e-tender notice dated 09.08.2024 floated by the respondent-Municipal Council on the ground that ten different works ought not to have been clubbed together in a single tender process. Mr. Tople, counsel appearing for the petitioner has drawn support from the Government Resolution dated 27.05.2016 so as to substantiate his contention.

3. As against above, Mr. Dhatrak, counsel appearing for the respondent-Municipal Council would oppose the prayer and submits that the administrative approval granted by the competent authority if perused, same would depict that the works of concretization of the road is executed for different areas and not in continuation. He would invite our attention to the order dated 22.02.2024 passed in Writ Petition No. 1239 of 2024 (*Narendra S. Pawde and ors. vs. State of Maharashtra and ors.*) so as

to claim that the issue canvased in this petition is covered by the said decision.

4. When confronted, the counsel for the petitioner on facts is not disputed the position that the ten works are the subject matter of the e-tender notice under challenge to be executed at ten different places and not in continuation of a single road.

5. In such an eventuality, the embargo which is created vide Government Resolution dated 27.05.2016 particularly by Clause 5 will not be attracted. The said Government Resolution contemplates that for dividing the work in part, the tender be not taken recourse to.

6. Having noted that the works mentioned in the e-tender notice are to be executed at different places and a single administrative approval is granted by the State Government, we see no reason to infer that the action of the respondents in issuing e-tender notice for ten different works in a single tender is illegal.

7. Apart from above, it cannot be said that such act of the respondents goes contrary to the Government Resolution dated 27.05.2016.

8. That being so, the writ petition fails and it is dismissed as such. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.