



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

PUBLIC INTEREST LITIGATION NO. 34 OF 2024

Umesh Shankarrao Bhole and ors. -Vs-State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Rohit Joshi a/w Mr. Madhur Deo, counsel for the petitioners.
Mr. Subodh Dharmadhikari Senior counsel a/b Saurav Rajurkar, counsel for
respondent No.2.
Mr. Harish Dangre a/w Mr. Bhushan Joshi, counsel for respondent No.3.
Mr.N.R.Saboo counsel for respondent No.5.

**CORAM VINAY JOSHI &
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 26th SEPTEMBER, 2024.

1. The learned Senior counsel appearing for the
respondent No.2 and learned counsel appearing for the
respondent No.3 initially urged to decide the preliminary
objection regarding territorial jurisdiction of this Court.

2. The learned Senior counsel appearing for
respondent No.2 has pointed out that similar challenge
has been raised in Writ Petition No.3260 of 2024 at
Principal Seat, Mumbai. In response, the learned counsel
appearing for the petitioner made a statement that he has
no objection to hear the petition either at Mumbai or
Nagpur. However, adhered to his stand about
maintainability before this Bench.

3. Heard all concerned to that extent.

4. It is submitted that the principal challenge in

the petition is to the Government Resolution dated 12.03.2023, a policy decision has been taken whereby deletion of certain equipments/items from DBT scheme and allocation of funds for procurement of deleted items. The challenge is on the ground that the decision for deletion which reflected in the GR dated 12.05.2024 was taken in Mumbai, which falls within the territorial jurisdiction of Principal Seat and therefore, the Principal Seat has only jurisdiction. To substantiate the said contention, our attention has been invited to the decision of this Court in the case of **M/s food Safety Services V. State of Maharashtra and ors. In Writ Petition NO.2108 of 2023**, wherein this Court has declined to entertain the petition for lack of territorial jurisdiction pertaining to a tender process.

5. With the assistance of the learned counsel, we have gone through paragraph Nos.10 and 12, wherein we could find that it was a challenge raised by unsuccessful bidder, who participated in E-tender process published at Pune and decision was taken at Pune. In such a background, the unsuccessful bidder, who has merely participated in the process through online mode from Nagpur has sought to challenge the entire process at Nagpur Bench and in such a factual scenario, this Court has expressed that Nagpur Bench has no jurisdiction. We are unable to persuade ourselves to apply the said ratio since, this is not a case, where we could say that the petition is failing on similar line. Herein the Government has taken a policy decision vide resolution dated

12.03.2024, which admittedly is having repercussions throughout the State. It is not in dispute that the inhabitants of the local jurisdiction of this Court would be the beneficiaries. In this scenario, whether challenge can be is thrown out of the Court by stating that the decision for initiating Government Resolution has taken in Mumbai, the answer would be simply in the negative as the Government Resolution has repercussions spread over the State and the beneficiaries are admittedly belonging to the territorial jurisdiction of this Court. We are not inclined to accept the initial objection. Moreover, we have considered the three decisions cited by the petitioner to support the maintainability of the Public Interest Litigation before this Bench. Having regard to the above facts, we record our finding that this Bench has territorial jurisdiction to go on with the matter.

6. Stand over to 14.10.2024.

JUDGE

JUDGE