



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 WRIT PETITION NO. 4206 OF 2024
AND
902 WRIT PETITION NO. 9284 OF 2024
AND
903 WRIT PETITION NO. 9285 OF 2024**

**OMKAR CONSTRUCTION THROUGH ITS PROPRIETOR
DADARAO SHAHUJI DHAGE
VERSUS
THE SUPERINTENDING ENGINEER AND ANOTHER**

...
Advocate for the Petitioner : Mr. D. S. Bagul
AGP for Respondents/State : Mr. P. S. Patil
Advocate for Respondents No.3 and 4 : Mr. G. K. Naik Thigale

...

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 30-01-2025

PER COURT:-

1. Heard both sides finally.
2. The common questions of facts and law are involved in these petitions. Therefore, we propose to decide them by common order.
3. The petitioner has solicited a direction to the respondents to open the technical bid as no steps have been taken for considerable period after the submission of the bids by tenderers including petitioner.
4. The learned counsel for respondents No.3 and 4 has tendered a chart on record. On instructions, he submits that the authorities are ready to open the technical bids. We have gone through the written instructions placed on record.

5. On instructions, the learned counsel for the respondents submits that the authorities are ready to open the bids subject to terms and conditions of the tender documents.

6. The learned counsel for the respondents No.3 and 4 submits that tender process to the extent of work No.4 and work No.5 in Writ Petitions No.9284 and 9285 of 2024 have become *infructuous* as in respect to the said work, only one bid has been received. The respondents desire to publish fresh tender to that extent. Hence, the writ petitions become *infructuous* to the extent the work No.4 and work No.5 in the respective petitions.

7. We accept the statement and dispose of these petitions by directing that the respondents/authorities shall open the technical bids.

8. Hence, the writ petitions are partly allowed.

9. The respondents shall open technical bids, subject to terms and conditions of the tender document.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE