



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

WRIT PETITION NO.1953/2024

Berojgaranchi Kshitij Nagrik Sewa Sahkari Sanstha Maryadit, Amravati, through its President Shri
Dinesh s/o Premsingh Gahalod Vs.
The Municipal Council, Arni, through its Chief Officer and others

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

Court's or Judge's orders

Shri N.B. Kalwaghe, Advocate for petitioner
Shri P.P. Deshmukh, Advocate for respondent No.1
Shri T.M. Nalnas, Advocate for respondent No.2

**CORAM : SMT. M.S. JAWALKAR AND
PRAVIN S. PATIL, JJ.**

DATE : 28.07.2025

The respondent- Municipal Council, Arni, placed on record the affidavit and, along with the affidavit placed on record the Resolution of the Municipal Council, Arni, District Yavatmal, dated 14.07.2025. The respondent No.1 also placed on record the copy of order issued by the Directorate of Municipal Administration, Mumbai, dated 26.08.2024, to the District Additional Commissioners whereby they directed to verify from the Municipal Council and Corporation that contractors are paying to the labours as per the Minimum Wages Act, 1948, as well as EPF, ESIC and whether the contractor is registered under EPS, ESIC. Unless these conditions are mentioned in the said communication is satisfied, it is directed not to allot the contract. The Government Resolution dated 06.03.2025, by which minimum wages were enhanced. This aspect is

considered while cancelling the earlier tender, so also the fact that the petition is pending since 11 months. Considering all these aspects, the tender issued earlier is cancelled by Resolution as aforesaid by Arni Municipal Council. There are financial implications.

2. Learned Counsel for respondent No.2, strongly objected to such cancellation of the tender on the ground that he was lowest bidder and, only formality of allotment of work remained to be completed.

3. However, in our considered opinion, no rights were created in favour of respondent No.2. Respondent No.1, who is the tender issuing authority, has every right to reissue the tender, if certain difficulties in executing the earlier tender, they are facing.

4. Learned Counsel for petitioner, requests that all submissions and contentions of the parties be kept open, so as to enable them to challenge the said cancellation of tender. However, the Writ Petition in its present form has become infructuous, in view of the resolution of cancelling of the earlier tender. Accordingly, the Writ Petition stands disposed of as has become infructuous. However, the petitioner as well as respondents are free to take any appropriate proceedings as per law, if they want to challenge the cancellation of the tender.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)