



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

CIVIL APPLICATION (CAW) No.237 OF 2025
IN
WRIT PETITION No.291 OF 2025

(Berozgaranchi Kshitiz Nagrik Seva Sahakari Sanstha Maryadit, Admravati, through its President Vs. Akola Municipal Corporation, Akola, through its Commissioner and another)

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

Court's or Judge's orders.

Mr. F.T. Mirza, Sr. Advocate with Mr. Parvez Mirza, Advocate for petitioner.

Mr. Apurde De, Advocate for respondent No.1.

Mr. S.K. Mishra, Sr. Advocate with Mrs. Mugdha Chandurkar, Advocate for respondent No.2.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.
DATE : 28th JANUARY, 2025.

1. The application is moved raising a challenge to the contract awarded in favour of respondent No.2.
2. Since the developments which are sought to be brought on record through the amendment application is subsequent to the filing of the petition, same stands allowed.
3. Amendment to be carried out within three days.
4. The application is disposed of.

CIVIL APPLICATION (CAW) No.211 OF 2025.

1. This application is moved by petitioner to add party respondents.
2. The application is allowed.
3. Amendment be carried out within three days.
4. The application is disposed of.

WRIT PETITION No.291 OF 2025.

1. A statement is made by Mr. F.T. Mirza, learned Senior Counsel that the copy of petition with all annexures shall be made available to Mr. S.K. Mishra, learned Senior Counsel appearing for respondent No.2. In view of the same, we grant time of two weeks to the respondents to file reply.

2. As suggested by the counsel for respondent, Mr. F.T. Mirza, learned Senior Counsel for the petitioner consented for making available copy of amended petition to the other side along with existing petition within one week.

3. Mr. F.T. Mirza, learned Senior Counsel for the petitioner would invite our attention to the order dated 24th December, 2024 wherein the petitioner was allotted the contract for supply of manpower from 24th December, 2023 for a period of six months. The said contract came to an end on 23rd June, 2024 and accordingly an extension was granted upto 24th November, 2024.

4. After the period of extension, which has expired on 24th November, 2024, since the tender process was not completed, the petitioner was directed to continue with the work upto 31st January, 2025.

5. According to Mr. F.T. Mirza, Senior Counsel, abruptly the work of the petitioner was stopped w.e.f. 23rd January, 2025 and the same was awarded to the successful bidder i.e. respondent No.2. He has claimed that such an act on the part of the officials of respondent No.1 is not only arbitrary but also in colourable exercise and with a biased and discriminatory approach so as to favour respondent No.2.

6. So as to substantiate the said contention he has invited our attention to the fact that on 21st January, 2025 he has already served copy of petition on the respondent No.1.

7. Prima facie, it could be inferred from the order dated 24th December, 2024 that the petitioner was permitted to continue the work in question upto 31st January, 2025. However, we failed to understand as to what prompted the respondent No.1 to abruptly terminate the work allotted to petitioner when he was required to work upto 31st January, 2025.

8. In case, if it is found that the Officers of the respondent-Corporation has taken biased or unreasonable decision, the appropriate orders shall be passed against the said Officers.

9. Mr. Apurva De, counsel for respondent No.1 has strenuously resisted the aforesaid issue. As according to him, though the instructions are awaited, such decision appears to be in the financial interest of the respondent-Corporation. We are not commenting anything on the merits of the same. However, we are just putting the respondent to notice to justify their act for abruptly terminating the contract when in fact the petitioner was permitted to execute to same upto 31st January, 2025.

10. Issue notice to added respondents, returnable on 11.2.2025.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)