

Murti Enterprises Vs. State of Gujarat

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Court : Gujarat

Decided On : Dec-30-1999

Reported in : (2000)3GLR850

Judge : M.S. Shah, J.

Acts : [Constitution of India](#)

Appeal No. : Special Civil Application No. 1821 of 1999

Appellant : Murti Enterprises

Respondent : State of Gujarat

Advocate for Def. : U.A. Trivedi, AGP for Respondent No. 1,; J.R. Nanavati and;

Advocate for Pet/Ap. : N.D. Nanavati, Adv. and;Nanavati & Nanavati

Disposition : Petition allowed

Judgement :

ORDER

19. In view of the above discussion, this petition is allowed. Condition No. 1 of tender form at Annexure 'A' confining the eligibility to only the Gujarat based manufacturers is held to be arbitrary and violative of Article 14 of the Constitution. The respondents are restrained from processing or finalizing the tenders received by the respondent-Board pursuant to the said tender notice at Annexure 'A'. The

respondent-Board is directed to process the tenders opened on 2.11.1999 which were invited pursuant to the interim order dated 30.8.1999 passed by this Court in the present petition and to proceed further for awarding contracts on the basis that the manufacturers outside the State of Gujarat as well as the manufacturers within the State of Gujarat are eligible to get the contract for the supply of hand pump sets as per the new purchase policy contained in the body of the Government Resolution dated 23.9.1997 (except clause 6) as amended from time to time till 2.11.1999.

It will be open to the respondent-Board to consider whether the purchases of hand pumps made during pendency of this petition should be governed as per the directions contained in this judgment.

At this stage, Mr Pahwa, learned counsel for respondent No. 6 prays for stay of operation of this judgment for some time in order to enable his client to have further recourse in accordance with law.

The learned counsel for the petitioners opposes the request. The learned counsel for the respondent-Board also opposes the request on the ground that the Board is required to urgently purchase the hand pumps for installation in scarcity areas in the State of Gujarat and that a large number of such pumps are required to be purchased immediately.

In view of the above submissions, the request made on behalf of respondent No. 6 is rejected.

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