

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 10447 OF 2013**

Balaji Mahila Shikshan Prasar and
Samaj Kalyan Sanstha

....Petitioner.

Vs.

Mira-Bhayander Municipal Corporation

....Respondent.

Mr. U.P. Warunjikar for the Petitioner.

Mr. N.R. Bubna for the Respondent-Corporation.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 5th JANUARY 2015.

P.C.:-

By this Petition, the Petitioner seeks a direction to the Respondent-Corporation to award the contract in terms of tender dated 6th May 2012 issued by the Mahila Bal Kalyan Department. The Petitioner also seeks a direction restraining the Respondent-Corporation from issuing or re-issuing any work order in terms of tender notice in favour of any other party.

In pursuance of the tender notice issued by the Corporation on 6th May 2012 the Petitioner submitted the tender, however, the Corporation rejected the tender of the Petitioner on the ground that the Petitioner was black-listed. Being aggrieved by the rejection of the tender of the Petitioner on the ground of black-listing, the Petitioner approached this Court by filing

Writ Petition No. 4174 of 2013. By an order dated 23rd July 2013, this Court dismissed Writ Petition No. 4147 of 2013 after holding that the Respondent-Corporation was justified in not awarding the contract to the Petitioner-society. Being aggrieved by the order dated 23rd July 2013 in Writ Petition No. 4147 of 2013, the Petitioner approached the Hon'ble Supreme Court in Special Leave Petition No. 16085 of 2014. While disposing of the Special Leave Petition filed by the Petitioner, the Hon'ble Supreme Court held that the Respondent No.1-Corporation shall not be henceforth guided by the black-listing of the Petitioner while considering the tenders submitted by the Petitioner.

Learned counsel Shri Bubna for the Corporation, states that after the decision of the Hon'ble Supreme Court in Special Leave Petition filed by the Petitioner, the Corporation would be liable to consider the tenders submitted by the Petitioner-society. It is stated that the Petitioner would however, not be entitled to the relief sought by the Petitioner in the instant Petition as the order of the Hon'ble Supreme Court would enure to the Petitioner only from the date of the order i.e. 10th October 2014. It is stated that since the work contracts were already issued in favour of the third parties before the Hon'ble Supreme Court disposed of the Special Leave Petition and since the Hon'ble Supreme Court had directed to “henceforth” consider the tender of the Petitioner, the Writ Petition is liable to be disposed of. It is stated that even otherwise, the work contracts were

to last at the most, for a period of one year only.

On hearing the learned counsel for the parties and on considering that the Petitioner was black-listed and also the fact that the Hon'ble Supreme Court had directed the Corporation to consider the claim/tenders of the Petitioner after 10th of October 2014 and the Corporation has also agreed to consider the tenders of the Petitioner after 10th October 2014, the Petition could be disposed of by accepting the statement made on behalf of the Corporation.

Hence, the Writ Petition is disposed of with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)