

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1976 OF 2014

Rohidas M. Lokhande

... Petitioner

Vs.

Municipal Corporation of Greater Mumbai & anr.

... Respondents

Mr.S.R. Gaud i/b Suresh Kamble for the Petitioner
Ms.Shobha Ajitkumar for Respondents

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

DATE: 6th JANUARY, 2015

P.C.:

By this petition, the petitioner seeks a direction to the respondents to allot him stall No.5 at Dadar market to the petitioner within a time frame.

The respondents had invited sealed tenders for allotment of shops – galas in the municipal markets situated in various places in Mumbai. The petitioner applied for stall No.5 in the Dadar market and while submitting his tender, deposited an amount of Rs.2,41,000/-. The tender of the petitioner was opened and the petitioner was the highest bidder. Though the tender was opened on 15.7.2013, the tender of the petitioner was never accepted. By this petition, the petitioner is seeking a direction to the respondents to allot gala No.5 in the Dadar market to him within a time

frame.

On hearing the learned Counsel for the petitioner and on a perusal of the tender conditions, it appears that the relief sought by the petitioner cannot be granted. In terms of the tender notice, the Municipal Commissioner had reserved the right to postpone or cancel the tender without giving any reasons. Though the petitioner had emerged as the highest bidder, the bid of the petitioner was never accepted by the Corporation. As per the tender condition, the Municipal Commissioner had also reserved a right to accept or reject any or all the offers without giving any reasons. Though the petitioner had tendered the bid in the month of June, 2013 and the bid was opened in July 2013, the tender of the petitioner was not accepted, for a period of more than 1½ years. A direction cannot be issued to the respondents to allot gala No.5 in favour of the petitioner, specially in view of condition Nos.12 and 13 of the tender notice.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)