

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1209/2015

(CHANDRASHEKHAR BRIJMOHAN MOR **VERSUS** H.P.C.L., MUMBAI & OTHERS)

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

Court's or Judge's orders

Shri A.V. Bhide, counsel for the petitioner.
 Shri P.D. Meghe, counsel for the R-1 & 2.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : AUGUST 17, 2015.

Heard.

By this petition, the petitioner impugns the decision/communication of the respondent-Hindustan Petroleum Corporation Limited, dated 30.07.2014 rejecting the tender of the petitioner. The petitioner challenges the tender process and seeks a direction to the respondent no.1 to accept the tender of the petitioner.

It is brought to the notice of this Court by the learned counsel for the respondent-Corporation that the petitioner had challenged the very same decision/communication dated 30.07.2014 in Writ Petition No.7256 of 2014 and this Court had, after perusing both the petitions in detail, held that the petitioner had unfairly filed two petitions challenging the same impugned communication. The learned counsel has tendered a copy of the order dated 09.07.2015 in Writ Petition No.7256 of 2014 for our perusal.

We have perused the present petition and Writ Petition No.7256 of 2014. On a perusal of the same, we find that the petitioner has filed two petitions in respect of the same cause of action and for seeking the same relief through different counsel on different dates. The petitioner has affirmed the solemn

affirmation in both the writ petitions. We had dismissed Writ Petition No.7256 of 2014 on the ground that the conduct of the petitioner would disentitle the petitioner to any relief in exercise of the writ jurisdiction. A discretionary relief under Article 226 of the Constitution of India cannot be extended to an unfair person like the petitioner who has filed two separate petitions in respect of the same cause of action. At the relevant time, when Writ Petition No.7256 of 2014 was decided, the same was decided before the present Bench and this writ petition was being heard by the other Division Bench of which Hon'ble Justice Shri B.R. Gavai and Ms. Justice Indira Jain were the members. In the circumstances of the case, we had dismissed the writ petition with costs of Rupees Ten Thousand.

For the reasons recorded in the order dated 09.07.2015 and the reasons recorded hereinabove, we decline to entertain the writ petition as the conduct of the petitioner disentitles the petitioner to the relief sought. The writ petition is dismissed with costs.

JUDGE

JUDGE

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