

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10834 OF 2015
WITH CA/15058/2015 IN WP/10834/2015

ASHWAMEGH ASSOCIATES THROUGH ITS PROPRIETOR
TUSHAR SHRIRANG LANDE

VERSUS

THE MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER

Advocate for Petitioners : Mr.A.M.Karad h/f Shirsath P.B. And
Palod L.B.Kulkarni Girish N. (Mardikar) For Petitioner
Advocate for Respondents : Bedre Vinayak Sudhakar For R Sole

CORAM : S.V.GANGAPURWALA &
A.M.BADAR,JJ.

DATED : 16TH FEBRUARY,2016

PER COURT :-

Mr.Karad,Advocate for petitioner states that the respondent pursuant to the resolution passed in its meeting on 10/8/2009 floated tender for collecting and transporting garbage from one zone. The petitioner was the successful bidder. He was even called for negotiation. When the work order was required to be issued, at this stage, Commissioner, Municipal Corporation cancelled the said tender process on the ground that the tenders were called only in respect of one zone and not for the entire city. According to the

learned counsel, the resolution nowhere says that the tenders are to be called for whole city and not zone-wise. According to the learned counsel, even when budgetary provision was made, it was discussed and proposed that there would be separate contractors for each zone for collection of waste/gargage.

2] Mr.Bedre, learned counsel for the respondent-corporation submits that the said resolution nowhere says that for separate zone, the contractor is to be appointed. Actually the said resolution was in respect of tender for collection of garbage for the whole city.

3] We have considered submissions. In the present matter, there are no averments/allegations of any malafides. The Corporation has come with the case that when the resolution passed it was for appointing contractor for collection of garbage for the whole city and not restricted for zone. As such there was mistake in floating the tender. The Commissioner has considered said aspect. This Court would be slow in interfering with the tender process unless the merits are spelt out or the action of the respondent is arbitrary. In the present case the resolution as it stands, only states that the contractor is appointed for collecting and transporting garbage in the city. The said resolution nowhere says that there has to be separate contractor for each zone.

4] As stated by the learned counsel for the respondent, fresh tenders were issued for the whole city, however, price was more than expectation, as such the same is cancelled and re-tender process would be initiated. In that case, the petitioner can fill in its tender also.

5] In view of above, Writ Petition is disposed of. No costs.

(A.M.BADAR,J.)

(S.V.GANGAPURWALA,J.)

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