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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11601 OF 2013

Mrs.Mangala R. Gawade	...Petitioner
V/s.	
City & Industrial Development Corporation of Maharashtra Ltd. & Ors.	...Respondents

WITH
CIVIL APPLICATION NO.1703 OF 2016
IN
WRIT PETITION NO.11601 OF 2013

City & Industrial Development Corporation of Maharashtra Limited	...Applicant
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IN THE MATTER BETWEEN :

Mrs.Mangala R. Gawade	...Petitioner
V/s.	
City & Industrial Development Corporation of Maharashtra Ltd. & Ors.	...Respondents

Mr.Mandar Limaye for the Petitioner.

Mr.B.B. Sharma for the Applicant in Civil Application & for the Respondent No.1.

Mr.Firoz Bharucha i/b JMB Partners for the Respondent No.2.

Mr.P.G. Sawant, A.G.P. for the State – Respondent No.3.

CORAM : A.S. OKA &
R.D. DHANUKA, JJ.
DATE : 7TH SEPTEMBER, 2016.

P.C. :-

1. The issue in this writ petition under Article 226 of the Constitution of India concerns a tender notice dated 29th August, 2013 published by the first respondent inviting quotations for the operation of pay and park at Belapur Railway Station Forecourt area. The tender was for the period of three years. The petitioner was held as ineligible. In view of *ad-interim* order dated 10th December, 2013 passed in this writ petition, the work order could not be issued to the second respondent, who was the successful bidder.

2. Civil Application No.1703 of 2016 has been taken out by the first respondent pointing out that the contract period under the tender subject matter of the petition was for a period of three years and therefore, according to the first respondent, now a fresh tender will have to be invited. In view of the *ad-interim* order passed by this Court, by the said civil application, a relief is sought to grant permission to cancel the tender invited on 29th August, 2013.

3. With the passage of time, the period of the tender has expired and therefore, it is necessary for the first respondent to invite the fresh tenders to ensure that the competitive bids are received for opening pay and park. Therefore, prayer made in the civil application deserves to be allowed.

4. If the said prayer is allowed, the writ petition will not survive and accordingly, we pass the following order :-

- a). Civil Application No.1703 of 2016 is allowed in terms of prayer clause (a).
- b). As the first respondent has taken a decision to cancel the tender, the writ petition does not survive and the same is accordingly disposed of.
- c). We make it clear that no adjudication is made on merits of the controversy in the writ petition.

(R.D. DHANUKA, J.)

(A.S. OKA, J.)