

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7702 OF 2016

Apparel and Leather Technics Pvt. Ltd. ..Petitioner.

Versus

Pimpri Chinchwad Municipal Corporation
and Others. ..Respondents.

Mr. Sandeep Phathak for the Petitioner.

Mr. A. G. Damle, Senior Advocate with Mr. D. R. More for Respondent
No. 1 to 3.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **October 20, 2016.**

P. C. :

1. Heard Mr. Phathak, learned Counsel appearing for the
Petitioner and Mr. Damle, the learned Senior Counsel appearing for
Respondent Nos. 1 to 3. The petition is filed for following reliefs :

“[A] That this Hon'ble Court be pleased to issue a writ
mandamus or writ in the nature of mandamus or
anuy other appropriate writ direction and order
under Article 226 of the Constitution of India, 1950,
quashing and setting aside the E-tender No.10/2-016-
17, which has been issued by the Respondent
Municipal Corporation for supply of sewing machine
under Women and Child Welfare Scheme dated 15
June 2016.

[B] That this Hon'ble Court be pleased to issue a writ
mandamus or writ in the nature of mandamus or any
other appropriate writ direction and order under
Article 226 of the Constitution of India, 1950,
quashing and setting aside the Resolution No. 16356
dated 31st May 2016 received by the Standing
committee of the Respondent Municipal Corporation
as illegal and bad in law.

[C] That this Hon'ble Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, directing the Respondent Municipal Corporation to issue work order to the Petitioner in pursuance of the Resolution No. 11899 dated 30th June 2015 passed by the Standing Committee of the Respondent Municipal Corporation within such time as this Hon'ble Court deems fit."

2. On 16th February 2015, the Respondent-Corporation invited tenders for supply of sewing machines and other material. The Petitioner submitted his bid on 12th March 2015. As per the tender programme, technical bids were opened on 15th May 2015, in which 5 bidders, including the Petitioner, qualified. Thereafter, financial bids were opened on 20th May 2015 in which the Petitioner's bid was found to be lowest. Hence, by the letter dated 12th May 2016, the Petitioner was called upon to execute the agreement within 10 days. The Petitioner received this letter, however, did not execute the agreement within the stipulated period of 10 days. Hence, note was put up before the Commissioner on 23rd May 2016, pointing out that the Petitioner had not executed the agreement within the stipulated time. The Commissioner directed this note to be put up before the Standing Committee for decision. The Standing Committee took a decision on 31st May 2016 to invite fresh tenders.

3. The above facts show that though the Petitioner was the lowest bidder, the work order could not be given to him since he failed to execute the agreement within the stipulated time. Be that as it may, the Petitioner on 23rd June 2016 has taken back his amount of EMD and furthermore this fact is not disclosed by him in the present petition, which is filed on 4th July 2016. It is clear that the Petitioner himself was not willing to execute the contract. In the light of above discussion, we are not inclined to entertain this petition and the same is accordingly dismissed.

4. Mr. Phathak at this stage seeks extension of the interim relief granted earlier. Request is opposed by Mr. Damle. Since we have found that the contract could not be executed because of defaults on the part of Petitioner himself, we are not inclined to continue the interim relief. Request for continuation of interim relief is, therefore, rejected.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]