

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.163 OF 2015
IN
PUBLIC INTEREST LITIGATION NO.93 OF 2009

The Pune Municipal Corporation. .. Applicant

In the Matter between -

Shri Deepak Balkrishna Vahikar and Anr. .. Petitioners

Vs

The State of Maharashtra and Others. .. Respondents

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Shri Abhijit P. Kulkarni for the Applicant.

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CORAM : A.S. OKA & C.V. BHADANG, JJ

DATED : 23RD FEBRUARY 2016

PC.

1. We have heard the learned counsel appearing for the Applicant, the learned counsel appearing for the Petitioners in the Public Interest Litigation and the learned counsel appearing for the Petitioner in the Contempt Petition No.610 of 2014.

2. The prayer in this Application is for grant of extension of time to comply with the directions contained in Paragraph 18 of the judgment and order dated 20th September 2013 in PIL No.93 of 2009. The main opposition of the Petitioner in the Contempt Petition No.610

of 2014 is that the tender document bearing No.250 of 2015 is not in terms of the directions issued by this Court in the order dated 20th September 2013 of which a breach is alleged in the Contempt Petition. The learned counsel appearing for the Pune Municipal Corporation submits that the tender document is in terms of the recommendations made by the Committee of Experts appointed in terms of the aforesaid judgment and order.

3. The issue involved in this Civil Application is as regards the extension of time to comply with the directions contained in Paragraph 18 of the said judgment and order dated 20th September 2013. The learned counsel appearing for the Applicant on instructions of Shri Ashok Ghorpade, Chief Garden Superintendent, Pune Municipal Corporation states that the entire tender process will be completed by issuing the work order within a period of one month from today.

4. The learned counsel appearing for the Applicant states that before finalizing the tender process, the Municipal Corporation will go back to the Committee of Experts and will seek approval of the Committee of Experts. We accept the said statements.

5. It is not necessary for us to go into the contention whether tender document is in terms of the order of this Court. If the Applicant

Municipal Corporation has issued a tender which is not in conformity with the order of this Court, the Applicant is taking a grave risk.

6. Subject to what is observed above, we dispose of the Application by passing the following order.

ORDER :

- (a) Time granted under Clause 18 of the judgment and order dated 20th September 2013 in PIL No.93 of 2009 to finalize the tender process and to issue work order is extended by a period of one month from today. Statements made by the learned counsel appearing for the Applicant are accepted;
- (b) The issue whether the terms and conditions of the tender are inconsistent with the order of this Court is kept open;
- (c) The Application is disposed of on above terms.

(C.V. BHADANG, J)

(A.S. OKA, J)