

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****PUBLIC INTEREST LITIGATION NO. 63 OF 2016**

Shri Gurudas Sambhaji Kamble .. Petitioner
Versus.

The Executive, MIDC, Division Alibag, and ors. .. Respondents

.....

Mr. P.A. Pol i/b Pol Legal Juris for the petitioner.

**CORAM: DR. MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.
DATE : 30 SEPTEMBER 2016.**

P.C.:

1. The petitioner, by means of the present purported Public Interest Litigation (PIL) seeks the following reliefs:-

“a) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India directing the Respondent Nos. 1 and 2 to set aside the Award of Contract of laying micro tunnelling pipeline to the Respondent No.3 & 4.

b) This Hon'ble Court be pleased to direct the Government or MIDC to conduct an enquiry and to fix up the responsibility on the erring officials with reference to the loss caused to the MIDC by awarding the contracts to non-qualified persons at higher rates and arbitrary manner as stated in this petition.

- c) That this Hon'ble Court may be pleased to direct the Respondent Nos. 1 and 2 to call for fresh tender.
- d) For interim and ad-interim reliefs in terms of prayer clause (a) above.
- e) Such other further reliefs.
- f) For costs of this petition.”

2. Although, the averments in the petition are quite sketchy it appears that the tender process commenced in the year 2012-2013, in pursuance of which work orders dated 20th February, 2014 came to be issued in favour of the Respondent Nos. 3 & 4. As per the averments in paragraph 15 of the petition, the tender work of laying under-water pipeline for the extension of existing effluent disposal plant was required to be completed within 22 months i.e or on before 19th December, 2015. The main allegation in the petition is that the Respondent Nos. 3 & 4, who have been awarded this work, were ineligible as per the notice inviting tenders. In the petition, the petitioner has not stated with clarity, why according to him, Respondent Nos. 3 & 4 were ineligible for award of the contract. As noted earlier, the averments in the petition are quite sketchy. At this point of time, it is possible that the work has already been completed or in any case, is at an advanced stage. In matters of tenders, normally, there is no scope for entertaining a Public Interest Litigation.

3. On the basis of vague allegations made by the petitioner, we do not deem it appropriate to consider the reliefs applied for by the petitioner.

4. Accordingly, we dismiss this public interest litigation. There shall be no order as to costs.

CHIEF JUSTICE

(M.S.SONAK, J.)