

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2341 OF 2016

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Atul S. Singh for the Petitioner.

Shri Arnab Ghosh along with Shri Joy Thahil and Shri Manoj Khatri for the Respondent No.2.

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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 8TH DECEMBER 2016

P.C.:

1. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the second Respondent. It is not in dispute that on the basis of the first tender notice dated 28th October 2015, the Petitioner had offered a bid and thereafter, there were negotiations between the Petitioner and the second Respondent. Ultimately, the tender process was dropped. In this Petition, there is no challenge to the action of dropping the tender process or action of initiating fresh tender process in June 2016. Essentially, the Petition is filed for

seeking relief in terms of prayer clause (a) which reads thus:

“(a) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Writ of Mandamus under Article 226 of the Constitution of India thereby directing the Respondent no.2 to disclose on affidavit to this Hon'ble Court, the details of the bids received under the tender dated 6th June 2016 Exh-C and, if this Hon'ble Court finds that the bid received under the new tender dated 6th June 2016 is higher than the bid made by the Petitioner than the Respondent no.2 be directed to consider the previous bid of the Petitioner as an open offer for the sale of their vessel “Crest Argus 2” and further the Petitioner be permitted to improve upon the bid which the Respondent no.2 is willing to accept under the new tender dated 6th June 2016 in case the recent bid is lower than the one offered by the Petitioner under the tender dated 28.10.2015-Exh.A”.”

2. Admittedly, the Petitioner Company has not offered its bid on the basis of the second tender process, though it could have easily submitted a bid. Therefore, no relief can be granted in writ jurisdiction under Article 226 of the Constitution of India. The Petition is, accordingly, rejected.