

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION (L) No. 119 OF 2015

Citizens Grievances Redressal Foundation ... Petitioners
Vs.
State of Maharashtra & Anr. ... Respondents

None for the Petitioners.

Ms. Rebecca Gonsalves, AGP for the Respondent No. 1.

CORAM : V. M. KANADE, &
Mrs. SWAPNA S. JOSHI, JJ.

DATE : SEPTEMBER 22, 2016

PC.

1. None appears on behalf of the Petitioners. Even in the morning session when the matter was called out, neither Petitioners nor their counsel were present. By this petition, which is filed as PIL under Article 226 of the Constitution of India, Petitioners are seeking following reliefs:

“(a) that this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order and / or direction in the nature of mandamus, thereby

directing revocation and / or setting aside of the award of the subject contract granted to the Respondent No. 2 by the Respondent No. 1 in respect of the work of Toll Collection, operation and maintenance of Mumbai Pune expressway and Mumbai Pune section of NH-4 for the period beyond 10th August, 2019 along with execution of additional works on Mumbai-Pune section of NH-4 as being perverse, illegal, unsustainable in law and induced by corrupt and collusive means.

- (b) for such writ, order or direction of this Hon'ble Court, thereby directing an enquiry through an appropriate agency such as the Central Bureau of Investigation or such similar agency to investigate into the matter and prosecute the erring officials of the Respondent no. 1 who had colluded with the Respondent No. 2 to firstly conceive such ridiculous tenders and absurd and unsubstantiated prices and thereafter grant the same before the general election is announced and in the process cause serious loss to the state exchequer.
- (c) pending the hearing of the writ petition, this Hon'ble Court be pleased to restrain the Respondents from in any manner implementing or giving effect to the award of the contract granted in favour of Respondent No. 2 in respect of the work of Toll

Collection, operation and maintenance of Mumbai Pune Expressway and Mumbai Pune section of NH-4 for the period beyond 10th August, 2010 along with execution of additional works on Mumbai Pune section of NH-4;

- (d) for costs of this petition and such other and further orders as this Hon'ble Court, may deem fit in the circumstances of the case aforesaid.”

2. In our view, there is no public interest involved in this petition / PIL; and secondly, the contract has been entered into between Respondent No. 1 and Respondent No. 2 in respect of operation and maintenance of Mumbai Pune expressway. The allegations made in the PIL appears to have been made without placing any material on record. Hence, we are not inclined to entertain this petition as a PIL. PIL is, therefore, disposed of.

Sd/-

[Mrs. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath