

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.175 OF 2016

M/s. Bharat Kumar & Company
& Anr.

.... Petitioners

Vs.

Union of India & Ors.

.... Respondents

Mr. Shadab Peerzade i/by Mr. Munir Mohamed
Merchant for the Petitioners.
None for the Respondents.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : OCTOBER 24, 2016

P.C:

1. This petition was placed for dismissal today but the petitioners' Advocate is present and apologizes for his absence on the earlier date.

2. We have, with his consent, perused the writ petition in order to find out whether it is fit for being entertained.

3. On perusal of the writ petition and all the annexures

thereto, we are of the opinion that no useful purpose will be served by scrutinising the legality and validity of the findings rendered by the Food Corporation of India in the impugned order. That was passed on a complaint/representation by the petitioners dated 8-5-2015.

4. Now the tender process is complete and the contract is also awarded. In the circumstances, we do not think that the writ petition should be entertained and kept pending.

5. In the event the petitioners are aggrieved and dissatisfied with the non-awarding of the contract in their favour, they can pursue such remedies as are permissible in law. We are granting this liberty because whether their exclusion from the process is legal and valid or justified would require going into disputed questions of fact.

6. The writ petition is dismissed as infructuous with this liberty.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)