

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1590/2016

(M/S RAJKUMAR GULATI **VERSUS** MAHARASHTRA STATE WAREHOUSING CORPORATION,
PUNE & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.V. Chauhan with Shri H.R. Gadhia, counsel for the petitioner.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 08, 2016.

By this petition, the petitioner challenges the action of the respondent no.1 in opening the financial bids of the respondent nos.2 to 4 for Jalna Centre, on 09.02.2016. The petitioner has sought a declaration that the respondent nos.2 to 4 are disqualified in the tender process. Certain other ancillary prayers are also made.

The respondent no.1-Maharashtra State Warehousing Corporation, through its Chairman, having its Head Office at Pune, had floated an online tender for handling and transportation work at Jalna for two years, on 21.12.2015. The petitioner as well as the respondent nos.2 to 4 participated in the tender process and submitted their technical and financial bids. According to the petitioner, since the respondent nos.2 to 4 were involved in cartelization in the tender process, they were liable to be disqualified.

On hearing the learned counsel for the petitioner and on a perusal of the writ petition, it appears that the Nagpur Bench of the Bombay High Court would not have jurisdiction to entertain and decide the writ petition. Admittedly, the tender was floated by the Maharashtra State Warehousing Corporation, having its Office at Pune. The tender work of transportation was to be carried out at

Jalna. In the aforesaid set of facts, this Court has held in the case of *VSP Aqua Mist Fire Private Limited, Nagpur Versus Maharashtra State Electricity Transmission Company Limited, Mumbai & Others*, reported in **2010(2) Mh.L.J. 575** that the Nagpur Bench would not have jurisdiction to entertain and decide the writ petition as no part of cause of action arises within the territorial jurisdiction of the Nagpur Bench. The issue in regard to the jurisdiction of this Bench to entertain and decide the writ petition stands answered against the petitioner by the aforesaid judgment.

Hence, we decline to entertain the writ petition. The petitioner is free to file proceedings before the appropriate Bench. The writ petition is disposed of. No costs.

The points raised in the petition are kept open.

JUDGE

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