

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

WRIT PETITION NO. 3092/2016
(NAWAZ DECORATION WORKS & OTHERS **VERSUS** N.M.C., NAGPUR & OTHERS)

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

Court's or Judge's orders

Shri A.R. Ingole, counsel for the petitioners.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JUNE 24, 2016.

By this writ petition, the petitioners seek a direction to the respondent nos.1 and 2-Nagpur Municipal Corporation, Nagpur to blacklist the respondent no.3. Though a prayer appears to have been made for a direction to the respondent-Corporation to withhold the work order to the respondent no.3, it appears that the work order is already issued and the program for which the bids were called, is already over. In this background, the second prayer in the writ petition is rendered infructuous.

According to the petitioners though in pursuance of the advertisement dated 19.03.2016, the contractors, who had experience of similar type of work that was sought to be allotted in terms of the advertisement, to the extent of Rupees Twenty Five Lacs, were entitled to apply, the respondent no.3 applied for the said contract though he did not possess the experience of undertaking similar work of Rupees Twenty Five Lacs. It is stated that the respondent no.3-Firm should be blacklisted as a false affidavit-statement was made by the respondent no.3 while submitting his bid in pursuance of the advertisement.

We are not inclined to grant the prayer made by the petitioners, in this writ petition. No direction could be issued against the respondents for taking appropriate action for blacklisting the respondent no.3 on the ground that the respondent no.3 has filed a false affidavit. The petitioners are entitled to file appropriate complaint against the respondent no.3. It would not be for this Court to direct the respondent nos.1 and 2 to blacklist the respondent no.3. An enquiry in respect of the correctness of the statement made by the respondent no.3 in the bid cannot be made in exercise of the writ jurisdiction.

In view of the aforesaid, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

APTE