

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10235 OF 2016

Vitthal P. Chopade

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Prashant P. Kulkarni for the Petitioner.

Mr. V. M. Mali, AGP for the Respondent Nos.1 to 3.

**CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**

DATE : 4th DECEMBER, 2017.

P. C. :

By this writ petition, the petitioner, who claims to be a Municipal Councillor has challenged the e-tender floated by the respondent No.4- Municipal Council in respect of several works pertaining to the road asphaltting, concreting and cleaning and laying of gutters.

It is submitted on behalf of the petitioner that the action on the part of the Municipal Council of awarding the contract to some of the contractors at a rate that is lower than the estimated rate would cause a loss of nearly Rs.80,00,000/- to the Municipal Council. It is stated that though an application is made by the petitioner to the Collector under Section 308 of the Maharashtra Municipal Councils, Nagar Panchayat and Industrial Township Act, the same is not decided till date.

We are not inclined to consider the question pertaining to the validity of the award of the contracts in favour of some of the contractors. The petitioner would not have a locus standi to file the writ petition in that regard. This is not a petition in public interest. The petitioner has not participated in the tender process. None of the contractors to whom the contracts were awarded are joined as party-respondents. The challenge

to the e-tender notices floated by the Municipal Council cannot be entertained at the behest of the petitioner in exercise of the writ jurisdiction. However, if the petitioner has made an appeal/representation to the Collector under Section 308 of the Act, directions could be issued to the Collector to decide the same as early as possible.

Hence, we dispose of the writ petition with a direction to the Collector to decide the application of the petitioner, if it is pending and if it is within the domain of the Collector to decide the same, as early as possible in accordance with law. Order accordingly. No costs.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]