

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.385 OF 2017

Signpost India Pvt.Ltd. and another	... Petitioners
v/s	
Maharashtra State Road Transport Corporation and another	... Respondents

Mr Kevic Setalvad, Sr. Counsel with Mr Swanand Ganoo, Mr Rakesh Mandavkar, Mr Dhawal Shethia i/b Mr Bhavesh Panjwani, Partner, Mulla and Mulla and Craigie Blunt and Caroe for Petitioners.

Mr G.S. Hegde with Ms P.M. Bhansali i/ M/s Hegde and Associates for Respondent No.1.

Mr Mohit Jadhav, AGP for Respondent No.2.

**CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.**

DATE : APRIL 4, 2017

P.C.:

1. After arguing for some time, the learned counsel for the Petitioners seeks leave to withdraw this Petition with liberty to file a fresh Petition in regard to the challenge to the decision taken in the subsequent tender which has already been issued by the Respondent No.1, as according to the Petitioners, in spite of the fact that the tenderer who is not technically qualified is being likely to be awarded

the contract. In the circumstances, the learned counsel prays that observations be made by this Court while allowing the Petitioners to withdraw this Petition with liberty to file a fresh one that the issuance of work order to the successful bidder will be subject to the outcome of the Petition which the Petitioners will file.

2. The learned counsel for the Respondent No.1 objects to this interim protection. However, keeping in view the serious objection raised by the Petitioners in regard to entitlement of the said tenderer being technically not qualified and keeping in view the interim order which was operating till date, we observe that the issuance of work order to the successful bidder will be subject to the outcome of the Petition if the same is filed within two weeks. However, the continuation of the said order will be considered in the said Writ Petition and presently, we observe that the interim order will be operative only for two weeks.

(B.P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)