

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L.) NO.3035 OF 2017

M/s.Jaisu Shipping Company Pvt. Ltd.

..Petitioner

Vs.

The Board of Trustees Mumbai Port
Trust (MBPT)

..Respondent

Mr.Mayur Khandeparkar i/b. Mr.Santosh Shankar Musale for
Petitioner.

Mr.Prasad S. Dani, Senior Advocate, with Mr.Murtaza Kachwala
and Ms.Ashwini Hariharan i/b. M/s.HSA for Respondent.

**CORAM : SHANTANU S. KEMKAR AND
G.S. KULKARNI, JJ.**

DATE : 7th NOVEMBER 2017

P.C.:

By filing this petition under Article 226 of the Constitution of India, the petitioner has challenged the Tender No.E-70/2017 issued by the respondent on 10th July 2017 thereby inviting bids for purchase, dismantling and removal of equipment, steel and allied scrap belonging to the petitioner.

2. The case of the petitioner is that the materials of which purchase, dismantling and removal is put to auction are belonging to the petitioner and the same could not have been ordered for auction. It is also the case of the petitioner that the petitioner has

to recover huge amount from the respondent. It appears to be a case of respondent that there are dues payable by the petitioner.

3. It is an admitted fact that there is dispute between the petitioner and the respondent in respect of their claims against each other. It is not in dispute that the tender process is completed and the bid has been accepted in favour of a party and the said party has not been impleaded in this petition by the petitioner as a respondent.

4. Having considered the submission made by the learned Counsel for the petitioner as also of the respondent, we find that the tender was issued in July 2017 and the same has been finalized and third party interest has been created and the said party is not before us. It is also clear that there is serious dispute between the parties in regard to the claims of the petitioner against the respondent and of the respondent against the petitioner.

5. In the circumstances, in view of the fact that the petition is filed belatedly and there is delay and laches and also the fact that there are disputed questions of facts, we decline to interfere in the matter.

6. As a result, the Petition is dismissed.

[G.S. KULKARNI, J.]

[SHANTANU S. KEMKAR, J.]