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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3091 OF 2018

Bhavesh Prabhudas Bhinde .. Petitioner
Vs.
Maharashtra State Road Development
Corporation Ltd. & anr. .. Respondents

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Dr. Milind Sathe, Senior Counsel along with Ms. Samindara Ram Surve & Mr. Mohammed Zain Khan for the petitioner.
Mr. Prashant Chawan along with Ms. Reshmarani Nathani for respondent No.1.
Mr. R.J. Mane, AGP, State for respondent No.2.

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**CORAM : B.R.GAVAI &
M.S. KARNIK, JJ.**

DATE : 7th SEPTEMBER , 2018

P.C. :

The petitioner has approached this Court being aggrieved by the decision of the respondent – MSRDC of not accepting the bid of the petitioner which is undisputedly highest on the ground that the arrears of the dues payable by the petitioner to the respondent – MSRDC arising out of earlier contract have not been paid.

2. Shri Sathe, learned Counsel for the petitioner submitted that the decision of the respondent – MSRDC is insisting on payment which is a subject matter of the earlier petition is totally arbitrary.

3. However, after hearing Shri Sathe, after considerable argument when we expressed our inclination to dismiss the petition, he stated that the petitioner is willing to make the payment of the arrears under protest. He further submitted that the petitioner be given 15 days period for making the payment of the arrears.

4. We find the stand of the petitioner reasonable. We, therefore direct the respondents not to reject the Bid of the petitioner in the event the petitioner clears all the arrears as mentioned in letter dated 4th September, 2018 upto today within a period of 15 days from today.

5. The petitioner shall file an Undertaking of the Authorities representing the petitioner during the course of the

day that the petitioner undertakes to clear the dues as mentioned in the letter dated 4th September, 2018 within a period of 15 days from today.

6. The petition is disposed of in terms of the aforesaid order.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)