

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

**REVIEW PETITION LODGING NO.65 OF 2018
IN
WRIT PETITION NO.2076 OF 2018**

Mahanagar Telephone Nigam Ltd. (MTNL) and others	: Petitioners (Org.Respondent Nos.1 to 3)
Versus	
Jay Constructions through its proprietor Mr. Sanjay Karandikar	: Respondent (Original Petitioner)

**Mr. Niranjan P Shimpi for the Petitioners/Original Respondent Nos.1 to 3.
Mr. Ramesh Ramamurthy a/w Mr. Reshant Shah I/by Lex Conseiller for
the Respondent/Original Petitioner.**

**CORAM : R. M. SAVANT &
K. K. SONAWANE, JJ.
DATE : 05th October 2018**

P.C. (In chamber at 2.40 pm)

1 The above Review Petition has been filed seeking review of the order dated 23rd August 2018 passed in the above Writ Petition. The review is sought on the ground that in respect of the the first tender invited in March 2018 the Original Petitioner was not eligible on the date of tender. The second ground made out is that whether the Original Petitioner should be disqualified on the application of Condition No.3 was required to be left to the Original Respondent i.e. the MTNL.

2 Having heard the learned counsel for the parties, in our view, no case for review is made out. We have specifically in paragraph 11 of our order

dated 23rd August 2018 referred to the subsequent tender i.e. tender invited on 27th August 2018 and in respect of which the Notice of Motion was filed by the Original Petitioner seeking reliefs qua the said tender. Hence the directions which we have issued are qua the second tender, and therefore, there is no question of the Original Petitioner being considered for the first tender. In so far as the second ground is concerned, we have already for the reasons stated in our order dated 23rd August 2018 opined as to why the said Condition No.3 should not be made applicable to the Original Petitioner in so far as the second tender is concerned. Having heard the learned counsel for the Review Petitioners, no case for review under any of the eventualities mentioned in Order 47 of the Code of Civil Procedure is made out. The above Review Petition is accordingly dismissed.

[K. K. SONAWANE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

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