

IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WP NO. 1 OF 2019

UTPAL UDAY NAGESHKAR	... Petitioner
Versus	
GOVT. OF GOA, THR. THE CHIEF SECRETARY AND 19 ORS.	... Respondents

Mr. Sanman R. Keny, Advocate for the petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Deep D. Shirodkar,
Additional Government Advocate for the respondent Nos.1 to 19.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 19th September, 2019

ORAL ORDER: (Per M.S. Sonak,J.)

Heard Mr. Sanman Keny, learned Advocate for the petitioner and Mr. D.J. Pangam, learned Advocate General with Mr. Deep Shirodkar, learned Additional Government Advocate for the respondents No.1 to 19.

2. By filing the present Public Interest Litigation, the petitioner alleges that there has been colossal loss to the revenue of the Government of Goa by floating some non-existing tenders without following the prescribed procedures under the CPWD Manual for consideration which may be extraneous. The petitioner seeks Writ of

Mandamus to direct the Central Bureau of Investigation to investigate into the issue and book all the culprits in accordance with law. There are certain other reliefs also applied for in this petition like a Writ of Prohibition to restrain the respondents No.2 to 18 from issuing any notice inviting tenders in violation of Section 16 of CPWD Works Manual, 2007.

3. Insofar as the latter portion of the relief is concerned, we are afraid that we cannot issue such writs unless, some concrete case is placed before us that the notice inviting tenders have been issued in violation of CPWD Works Manual or any other statutory instruments having the force of law.

4. However, on the first aspect, we record the statement of the learned Advocate General that the State itself has decided to refer this issue to the Anti Corruption Bureau of the Vigilance Department of the Goa Government to conduct the preliminary enquiry. The learned Advocate General states that if in the course of the preliminary enquiry any substance is found in the allegations made by the petitioner in this petition, then, a necessary FIR will be registered and the matter pursued in accordance with law. The learned Advocate General points out that the Vigilance Department has already prepared a preliminary

report and it is on the basis of this report the decision has been taken to require the Anti Corruption Bureau to further hold an preliminary enquiry in the matter.

5. According to us, now the State Government has referred the matter to the Anti Corruption Bureau, we do not think at this stage any case is made out for requiring the Central Bureau of Investigation to step in.

6. Therefore, by accepting the aforesaid statement of the learned Advocate General we dispose of this petition.

7. We make it clear that we have not expressed any opinion in this matter in one way or another but we have merely accepted the statement made on behalf of the learned Advocate General, which in our opinion, at the present stage, substantially redresses the issue raised in the present petition.

8. All concerned to act on an authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.