

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7490 OF 2019

M/s. M.S. Jadhav

.... Petitioner

Vs.

Navi Mumbai Municipal Corporation

& Others

.... Respondents

Mr. Nikhil Patil i/by Mr. P.M. Jadhav for the Petitioner.

Mr. S.V. Marne for the Respondents.

CORAM: S.C. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.

DATE : JULY 17, 2019

P.C:

1. Heard both sides. With their consent, the writ petition is disposed of finally by this order.

2. There was a certain contract awarded to the petitioner by the Navi Mumbai Municipal Corporation.

3. There were disputes and the allegation of the Corporation is that the contract work has not been performed

and carried out in accordance with the terms and conditions of the contract. The petitioner/contractor says otherwise.

4. It is conceded by Mr. Marne that for such disputes simpliciter, an order of permanent black-listing could not have been passed. It is that permanent black-listing order which is impugned in the present petition.

5. Once the order of permanent black-listing has been passed and that is concededly beyond the powers of the Municipal Corporation, then, on the statement of Mr. Marne that the impugned order/communication of 16-8-2017, Exhibit-L (page 36) stands withdrawn with liberty to adopt appropriate proceedings, we dispose of this writ petition.

6. The statement of Mr. Marne is accepted as an undertaking to this Court. We clarify that in the light of the concession of the Navi Mumbai Municipal Corporation, we have not examined the correctness of the rival contentions. All of them are kept open.

(SANDEEP K. SHINDE, J.)

(S.C. DHARMADHIKARI, J.)