

Hardas Hazarimal Tharwani	...	Petitioner
versus		
Ulhasnagar Municipal Corporation through Commissioner and Ors.	...	Respondents

Mr.L.M.Acharya with Mr.Anish
Khandekar for Respondent No.4.

**CORAM :- S. C. DHARMADHIKARI &
R.I.CHAGLA, JJ.**

DATE :- NOVEMBER 8, 2019

P.C. :-

1. Heard.
2. We are not impressed by the arguments of the petitioner's advocate at all.
3. The PIL petition is filed to seek a direction to the Corporation not to issue any tender for the work of collection of garbage and its movement, but to issue a tender with the specifications as desired by the petitioner, including of a minimum bidding price.

4. The version of the petitioner is that the Corporation is spending more amount and overpaying the Contractor concerned. The Municipal Corporation denies this allegation and says that after the bids were quoted, there were negotiations held and post all this, the price has been determined. That, according to the estimation of the petitioner, is high does not mean that this Court can intervene in public interest. It is not necessarily that a high amount being sought for the work concerned and paid that public interest is sacrificed and surrendered by the public officials. At times, it is not possible to procure quality services and for that public officials have to agree to pay something more over and above that is negotiated with the bidder. That does not necessarily smack of arbitrariness or corruption in the least. These are not the matters which can be taken in writ jurisdiction as by their very nature these are contractual issues. Beyond a point, they cannot be examined in a public interest litigation.

5. The PIL has served its purpose after the affidavit is filed by the Municipal Corporation. Hence, it is disposed of.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)