

26th February,
2021
(AK)
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W.P.A. 2236 of 2021

Eskag Sanjeevani Private Limited & Anr.
Vs.
Municipal Corporation of Greater
Mumbai, Public Health Department,
Mumbai & Ors.

Mr. Mayukh Maitra
Ms. Suchismita Chatterjee
Mr. Malay Kumar Seal
...For the Petitioners.

The petitioners apprehend that the Tender Issuing Authority might act on the basis of certain communications made by the Municipal Corporation of Greater Mumbai, indicating that the petitioners were black-listed by such authority, and refuse to issue work order even if the petitioners succeed in the tender process-in-question.

Learned counsel submits that, pursuant to such communication by respondent no.1, the Tender Issuing Authority, that is, the respondent no.2, sought for an explanation and ask for documents from the petitioners, thereby raising such apprehension.

However, it would be premature to come to a conclusion that the petitioners would be black-listed/debarred from participating in the tender process merely on the basis of such apprehension.

That apart, since the Tender Issuing Authority has given an opportunity to the petitioners to explain the background of such black-listing, it is prima facie evident that a fair right of representation has been given to the petitioners by the Authority.

As such, W.P.A. 2236 of 2021 is disposed of with liberty to the petitioners to approach this court in the event the petitioners are black-listed without due process of law.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)