

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7000 OF 2021**

M/s. Shrikhande Consultants Pvt. Ltd. and anr.Petitioners

Versus

Jawaharlal Nehru Port Trust and anr.Respondents

Mr. Virag Tulzapurkar, senior advocate along with Mr. Pralhad Paranjape and Ms.Druti Datar, advocate for the petitioners.

Mr. Hemant Prabhulkar along with Mr.Yogesh Bhoge i/b. Jurisperitus Mumbai, advocate for the respondents.

**CORAM : PRASANNA B. VARALE &
MADHAV J. JAMDAR, JJ.**

DATE : 21st OCTOBER, 2021.

P.C. :

1. Heard Mr. Tulzapurkar, learned senior counsel appearing on behalf of the petitioners.

2. The petitioners participated in tender process in pursuance of the notice dated 6th May, 2021. The notice was for inviting tenders for the work of providing Project Management Consultancy services for upgradation of roads and drainage system outside custom bound area in Jawaharlal Nehru Port for a length of 19 kms. It may not be necessary for us to refer to other details. Suffice to say that on 8th October, 2021, technical bid of the petitioner No.1 was rejected due to non-performance

in Cochin Port Trust and not disclosing the same while submission of bids. Being aggrieved, the petitioners submitted representation to respondent No.1 – Jawaharlal Nehru Port Trust through its Chairman putting forth its grievances against the rejection of technical bid. It was submitted before this Court that the petitioners apprehended that if any action is initiated pending the representation, the petitioners would be put to prejudice and suffer losses.

3. Mr.Prabhulkar, learned counsel appearing for the respondents, on instructions, makes a statement before this Court that the respondents would decide the representation of the petitioners within four weeks. The said statement takes care of the preliminary grievance raised by the petitioners. In our opinion and in the backdrop of the statement made before this Court, at present nothing survives in the petition.

4. Mr. Tulzapurkar, learned senior counsel, submits before this Court that, in case, the representation of the petitioner is rejected, the authority may be directed not to open tender for a period of one week thereafter so that the petitioners can avail appropriate remedies including approaching legal forum for redressal of their grievances. There is merit in the submission of Mr. Tulzapurkar, learned senior counsel, as such, we pass the following order:

ORDER

- (1) The respondents are directed to decide the petitioners' representation within four weeks from today.
- (2) In case, the respondents reject the petitioners' representation, the financial bid shall not be opened for a period of one week thereafter.
- (3) If the petitioners pray for personal hearing before the authority, the authority may decide that aspect.

In view of the above, the petition stands disposed of.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(MADHAV J. JAMDAR, J.)

(PRASANNA B. VARALE, J.)