

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7397 OF 2021**

|                                                   |     |             |
|---------------------------------------------------|-----|-------------|
| M/S Sarwasva Enterprises<br>through its partners. | ... | Petitioners |
| Versus                                            |     |             |
| Mira Bhayander Municipal<br>Corporation and Ors.  | ... | Respondents |

Mr. Sandesh D. Patil with Mr. Kiran B. Bhagat i/b Prithviraj Gole, for  
the Petitioner.  
Mr. N. R. Bubna, for Respondent-Corporation.  
Mr. Y. D. Patil, AGP for State-Respondent.

**CORAM : A. A. SAYED &  
ABHAY AHUJA, JJ**  
**DATED : 10TH DECEMBER, 2021.**

**P.C.:**

1. The Petitioner is essentially challenging the conditions of the tender floated by the Respondent-Corporation. It is the contention of the Petitioner that the conditions in the tender are onerous.

2. Learned Counsel for the Respondent-Corporation has pointed out that there were six bids which were received out of which three bids were approved at the technical bid stage. He states that the successful bidder has been intimated and the Standing Committee of

the Respondent-Corporation has also approved the same. He has pointed out that the Petitioner had participated in the bid.

3. In the facts and circumstances of the case and having regard to the fact the Petitioner is challenging the tender conditions after having participated in the tender, this is not a fit case to exercise the extraordinary writ jurisdiction of this Court. Even otherwise, if the terms of the tender were so onerous, the Respondent-Corporation would not have received six bids.

4. Writ Petition is dismissed. It will be open for the Petitioner to adopt appropriate proceedings in respect of any other cause of action, if so advised.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)

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