

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

WRIT PETITION NO. 8260 OF 2021

H. S. Service Provider
JDA Scheme No. 27,
Flat No. HIG-1, Ground Floor
JDA, Katanga, Jabalpur Cant.
Madhya Pradesh-482001 ... Petitioner

Versus

1. The State of Maharashtra

2. Pimpri Chinchwad Municipal Corporation
Through Commissioner Pimpri Chinchwad
Municipal Corporation, Pimpri, Pune-411 018.

3. Deputy Commissioner, Health Department,
Pimpri Chinchwad Municipal Corporation,
Pimpri, Pune-411 018.

4. Additional Commissioner,
Pimpri Chinchwad Municipal Corporation,
Pimpri, Pune-411 018.

5. Secure IT Facility Management Pvt.
Shreethnath Plaza, Dyaneshwar
Paduka Chowk, F. C. Road, Pune-411 005 ... Respondents

Mr. Shriram Kulkarni i/b Mr. P. M. Khatavkar for Petitioner.
Mr. A. A. Alaspurkar, AGP for the State.
Mr. Rohit Sachadeo for Respondents No. 2 to 4.
Mr. Girish S. Godbole i/b Mr. Niranjana Bhavake and Associate for
Respondent No.5.

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**

RESERVED ON : 15TH DECEMBER 2021

PRONOUNCED ON : 23RD DECEMBER 2021

PER COURT:-

1. Rule. Rule made returnable forthwith. By consent of counsel for the parties and at their request, petition is heard finally.
2. By this Petition filed under Article 226 of the Constitution of India, 1950, Petitioner who has been declared L-2 bidder, is seeking writ of this Court quashing and setting aside the acceptance of the bid of Respondent No.5 by Respondents no. 2 to 4, who has been declared as L-1 bidder.
3. Learned Counsel for the parties submit that the facts in this petition are similar to the facts in Writ Petition No. 8264 of 2021.
4. In this view of the matter, for the reasons stated in the judgment in Writ Petition No. 8264 of 2021, we hereby quash and set aside the decision of Respondents No.2 to 4. We hold that Respondent No. 5 herein was not eligible to bid for Zone-A in respect of tender

notice No. 3(1 to 8)/2021-2022 and the acceptance of its bid by the Respondent-Corporation is hereby quashed and set aside as being ineligible for want of a valid Contract Labour License under Section 12 of the said the Contract Labour (Regulation and Abolition) Act, 1970 and as required under Condition No. 1A of the said tender and being submitted after the date of closing of the tender as well as after the opening of the financial bid and declaration of successful bidder. We leave it to the Corporation whether the tender is to be awarded to the Petitioner, who is L-2 bidder or to go for a re-tender.

5. Rule is made absolute in the above terms.

6. Writ petition is accordingly allowed. There shall however be no order as to costs.

7. At the request of learned Counsel for Respondent No.5, ad-interim relief granted on 30th November, 2021 directing that the work order shall not be issued, shall operate for a period of five weeks from today.

8. Parties to act upon an authenticated copy of this order.

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2022.01.07
17:13:50
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(ABHAY AHUJA, J.)

(A. A. SAYED, J.)