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

WRIT PETITION NO. 2368 OF 2022

Premier Road Services Ltd.

..... Petitioner

Vs.

The Union of India & Ors.

..... Respondents

Mr. Ashish Verma with Abha Pendse I/b. Mr. Vipinkumar R. Sharma
for the Petitioner

Mr. Pralhad Paranjape for Respondent Nos.2 and 3

Mr. Vinod Sharma I/b. Ms. Kalyani Parmar for Respondent No.4

Ms. Leena Temkar for Respondent No.5

**CORAM: S.V.GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 26, 2022

P.C.

1 The Petitioner alleges formation of cartel on behalf of Respondent Nos.4 and 5. The bids were invited for five zones. The Petitioner was allotted work order for two zones. It is contention of the learned Counsel for the Petitioner that in respect of remaining three zones, there was a cartel formed between Respondent Nos.4 and 5 and inasmuch as the rates quoted by them were similar in all the zones. That is *prima facie* proof of cartelization. According to the learned Counsel, a complaint was made to Respondent No.2. No cognizance is taken by Respondent No.2 of the said complaint and in spite of the objection, the work order is issued.

2 The learned Counsel for Respondent No.2 submits that the Petitioner is beneficiary of work order in two zones. The contracts are awarded in the ratio 60:40 to L1 and L2. The learned Counsel for Respondent No.2 submits that *prima facie*, Respondent No.2 did not find any proof of Respondent Nos.4 and 5 forming a cartel.

3 The work order is already issued on 21st January 2022 as contended by Respondent No.2. The petition is filed, probably, in the month of February 2022 after the work order is issued.

4 High degree of proof would be required for arriving at a conclusion about the cartelization. The Respondents also contend that the Petitioner has remedy before the Competent Commission.

5 As the Petitioner has remedy and that work order has already been issued, we are not interfering with in the petition. The Petitioner may avail remedy before the Competent Commission, as permissible in law. In that event all contentions of the parties are kept open.

6 The Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR,J.)

(S.V. GANGAPURWALA, J.)