

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1963 OF 2022

Vaaan Infra Pvt. Ltd.

....Petitioner

V/S

Pune Municipal Corporation & Ors.

....Respondents

...

Mr. Jos Chiramel a/w Mr. Shreyas Jain for the Petitioner.

Mr. R.M. Pethe for Respondent No.1-PMC.

Mr. Prasad Jagtap, Executive Engineer (Mech) present in Court.

...

CORAM : A.A. SAYED &

ABHAY AHUJA, JJ.

DATE : 24 FEBRUARY 2022.

P.C.:

1 The Petition has been filed seeking the following reliefs:

(a) To issue a writ of certiorari or any other appropriate writ, order or direction quashing and setting aside the impugned notice dated 08.02.2022 (Exhibit-"AD") issued by Respondent No.1 cancelling the tender and forfeiting the EMD of Rs.10,00,000.00 deposited by the Petitioner;

(b) To issue a writ of certiorari or any other appropriate writ, quashing and setting aside the impugned fresh tender dated 09.02.2022 (Exhibit-"AE") issued by Respondent No.1 with last date for submission of bids as 28.02.2022;

(c) To allow reasonable time to the Petitioner to carry out and complete the works under the contract, taking into consideration the

time lost by virtue of the impugned notice dated 08.02.2022 cancelling the tender;”

2 On 5 August 2021 the Respondent-Corporation floated a tender for Selection of System Integrator for Municipal Solid Waste Management System for Pune Municipal Corporation. While participating in the Tender, the Petitioner as lead consortium member submitted Consortium Agreement with Respondent No.2-M/s. Convexicon Software Solutions Pvt. Ltd. and Respondent No.3-M/s. Aum Infotech Pvt. Ltd. The Petitioner was issued the work order in respect of the project.

3 It is pointed out by learned Counsel for the Respondent-Corporation that the Tender was cancelled interalia on account of the disputes between the Petitioner and the Respondent No.2-Convexicon and as the work order was issued essentially on the basis of work experience of the consortium member Respondent No.2-Convexicon in the field of Solid Waste Management which had a major role to play in the execution of project. It is pointed out that the Petitioner on its own did not have work experience in the field of Solid Waste Management. It is submitted that the Petitioner had failed to meet the deadlines. It is in these circumstances, the Respondent-Corporation cancelled the Tender.

3 It is an admitted position that the fresh Tender has already been issued and the Petitioner has participated in the pre-bid meeting.

4 In the facts and circumstances of the case and in the exercise of our writ jurisdiction, it is not possible for us to set aside the cancellation of tender and grant other reliefs. The Petitioner may participate in the fresh tender, if it so desires. Leaving the remedy of the Petitioner open to file proceedings for alleged loss or damages, if so advised, we dismiss the Petition.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)

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