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

**WRIT PETITION NO.3156 OF 2022**

Pramod Lunawat

...Petitioner

V/s.

The Navi Mumbai Municipal  
Corporation, through  
Municipal Commissioner & Anr.

...Respondents

Mr. Saurabh Butala i/by Mr. Harshad Bhadbhade for  
the petitioner.

Mr. Sandesh Deshpande with Ms. Anagha Sriram  
for respondent no. 1/NMMC.

Mr. Mohd. Zain Khan with Mr. Faiyaz Khan i/by One  
Legal for the intervenor.

**CORAM: DIPANKAR DATTA, CJ. &  
MADHAV J. JAMDAR, J.**

**DATE: SEPTEMBER 19, 2022**

**P.C.:**

**1.** Navi Mumbai Municipal Corporation issued e-tender notice for "Advertisement Display Rights on Electric AC Buses".

**2.** Paragraph 9 of Schedule 'A' of such tender notice contains the eligibility clause, reading as follows: -

"9. **Eligibility :-**

i) Company/Firm Registration

- i) Average Annual financial turnover during the last 3 years, ending 31<sup>st</sup> march of the previous financial year, should be Minimum **Rs. 1.00 Cr.**
- ii) Experience having outdoor advertising during last three years in Govt./Semi Govt./Public Sector Organizations/STU's.

Bidding with Joint Venture/Consortium is not allowed.

No Relationship with Corporators See Clause 12 of Detailed Tender Notice."

- 3.** Paragraph 22 of such tender notice provides as follows: -

**"22.0 MANNER OF OPEING OF TENDER**

The Tender received within the schedule time and date specified in the Tender Notice will be opened as per the specified program in the office as mentioned in the Tender Notice (If Possible). The tenders will be opened in the presence of Tenderers or their authorised representatives who choose to remain present tender will be open online in the presence of Tender Committee."

- 4.** Grievance of the petitioner is that the tenders received by the tender issuing authority were opened without putting him on notice; and this constitutes an illegality in the process for which interference is warranted.

- 5.** Reply-affidavit has been filed by the tender issuing authority wherein it has been categorically stated in paragraph 5 that the petitioner did not qualify to participate in the tender because of lack of requisite experience.

- 6.** Despite liberty granted by the earlier order dated 14<sup>th</sup> September 2022, no rejoinder-affidavit has been filed by the petitioner. The allegation of ineligibility for lack of experience is, thus, uncontroverted.

**7.** In course of hearing, the only point raised by the learned advocate for the petitioner is that the tender issuing authority ought to have abided by paragraph 22.

**8.** We are left quite unimpressed. A bidder who is not otherwise eligible cannot be heard to make a grievance. In the present case, the petitioner having failed to qualify in terms of paragraph 9 of the tender notice, it hardly makes any difference even if the tenders were not opened in his presence or his authorized representative. No legal wrong has been committed for which interference could be warranted.

**9.** The writ petition is misconceived and, accordingly, stands dismissed. No costs.

**(MADHAV J. JAMDAR, J.)**

**(CHIEF JUSTICE)**

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