

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6388 OF 2021**

Quick Builders

...Petitioner

Versus

Bhabha Atomic Research Center through the ...Respondents
Chief Executive & Ors

Mr Girish Godbole, with Vishal Kanade, Virendra Pereira, Jimish Shah & Anand Iyer, i/b Divya Shah Associates, for the Petitioner.
Mr Anil C Singh, ASG, with Aditya Thakkar and DP Singh, i/b AA Ansari, for Respondent-Union of India.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**

DATED: 9th February 2022

PC:-

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SANJAY
MORMARE

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1. Mr Godbole makes a statement on instructions that his client is prepared to abide by the original tender conditions as they stand and without seeking any additional escalation (i.e., any escalation beyond what is provided in the tender). On this basis, the Petitioner is willing to complete the project for which the Petitioner is the successful bidder.

2. Mr Singh, learned ASG appearing for the 1st Respondent, states on instructions that his clients have in principle no objections

to this. He, however, points out that a small part of the original tender scope had to be got done separately because of some urgency. If the representative of the Petitioner meet with the representatives of the 1st Respondent, this aspect will be worked out. Mr Godbole is agreeable and raises no objection.

3. In view of this, the communication by the 1st Respondent ordering a retention of the whole or part of the Petitioner's earnest money deposit and also preventing the Petitioner from continuing with the project will no longer survive. It goes without saying that the Petitioner will be required to give a fresh guarantee. Mr Godbole is, of course, agreeable to this.

4. We note and accept these statements and dispose of this Writ Petition in these terms. There will be no order as to costs.

5. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)