

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

WRIT PETITION NO.12296 OF 2022

Team HR GSA Pvt. Ltd.

.. Petitioner

v/s.

Municipal Corporation of Greater

Mumbai through Commissioner & Ors.

.. Respondents

Mr. Veer Kantaria a/w Siddharth Jagushte for the petitioner.

Mr. N.V. Walawalkar, Senior Advocate, a/w Santosh Parad for respondent nos.1 to 4-MCGM.

Mr. Sujit Raul, Head Clerk, from I.T.Department from KEM Hospital is present.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 13TH OCTOBER, 2022.

P.C. :

1. By this petition, the petitioner seeks writ of certiorari to quash and set aside the tender bid no.7200036956 issued on 4th October, 2022 for the purpose of supplying of multipurpose workers on contract basis at KEM Hospital.
2. It is not in dispute that the petitioner had submitted a bid in

response to E-Tender dated 4th May, 2022. The petitioner had submitted the rate analysis.

3. It is the case of the petitioner that the petitioner was the lowest bidder of the said bid invited on 4th May, 2022. The petitioner has pointed out the certain lacunas in the tender process. The Municipal Corporation accordingly cancelled the said tender notice dated 4th May, 2022 and invited a fresh tender on 4th October, 2022.
4. Mr. Walawalkar, the learned Senior Counsel for the Municipal Corporation states that if the petitioner seeks to apply in response to the said tender bid dated 4th October, 2022, the same shall be done on or before the closing date. He submitted that in view of the so called lacuna pointed out by the petitioner, the respondent had issued a fresh tender. He invited our attention to the averments made by the petitioner in paragraph 2(i) page 9 of the petition alleging malafides against the Municipal Corporation with an intention to award the tender to M/s. Comfort Facility Management Services LLP who was one of the three bidders in the erstwhile original tender, besides M/s. Comfort Facility Management Services LLP is not impleaded as a party respondent

to this petition.

5. Learned counsel for the petitioner does not dispute that his client had pointed out certain lacunas to the Municipal Corporation. It is the case of the Corporation on the other hand that the system of the Municipal Corporation recognizes on percentage basis, However, the earlier bids submitted by the petitioner was not on percentage basis.

6. In our view, no case is made out for interference with the tender process. Writ petition is devoid of merit and is accordingly dismissed.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)