

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

WRIT PETITION NO.4568 OF 2022

M/s. Sanjiv Precision Thr.

Proprietor Sanjiv Y. Chitnis

.. Petitioner

v/s.

The State of Maharashtra Thr.

Secretary Public Works Dept.

And Ors.

.. Respondents

Mr. Sudhir C. Halli, for the petitioner.

Mr. G. H. Keluskar, for respondent Nos.2 and 3.

Mrs. Ashwini A. Purav, AGP – State, for respondent No.1.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 17TH OCTOBER, 2022.

P.C. :

1. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of certiorari to quash and set aside the order dated 6th July 2020 passed by respondent No.2, blacklisting the petitioner for a period of three years and forfeiting the EMD amount.

2. Respondent No.2 gave a publication for an e-tender for the proposed work of chlorination of water and structural shed for two years on 17th January 2021. The petitioner submitted an e-tender application alongwith the required information and documents on 28th January 2021. The financial bid was opened by the respondents on 10th March 2021 and the petitioner being the lowest bidder succeeded to get the said work.
3. On 10th June 2021, the respondent No.3 issued a letter dated 10th June 2021 alleging that the work order dated 11th September 2017 was issued by Pimpri Chinchwad Municipal Corporation and the said work order was not issued by the Executive Engineer, Parvati Water Purification Centre, Pune. It was alleged that the petitioner had committed a fraud on the Corporation.
4. On 14th June 2021, the petitioner submitted his reply to the letter dated 10th June 2021. On 23rd June 2021, the respondent issued a Show Cause Notice upon the petitioner as to why he should not be prosecuted for charges under Section 420 of the Indian Penal Code for submitting the false documents. On 3rd July 2021 CR No.437 of 2021 came to be registered with Pimpri Police Station,

Pune under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860.

5. We have perused the letter issued by the Municipal Corporation on 10th June 2021 and the reply dated 14th June, 2021 given by the petitioner, who is present in the Court.
6. A perusal of the reply dated 14th June 2021 clearly indicates that the case of the petitioner is that the petitioner was affected by Covid and was admitted in an ICU. In absence the of the petitioner, the staff members have filed those documents by mistake.
7. When the learned counsel for the petitioner was confronted with the said reply dated 14th June 2021, the submissions now advanced before this Court is that his client never submitted the work order which was alleged to be fabricated.
8. In our view, the arguments now advanced before this Court are contrary to the reply dated 14th June 2021, which was signed by the petitioner himself.

9. The criminal complaint is already filed by the concerned Municipal Corporation against the petitioner which is pending.

10. In our view, no case is made out for the interference with the order issued by the Municipal Corporation.

11. This Writ Petition is totally devoid of merits and is based on false documents produced before this Court by the petitioner.

12. The Writ Petition is accordingly dismissed with costs quantified at Rs.50,000/- which shall be paid by the petitioner to respondent No.2 – Corporation within one week from today.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)