

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

WRIT PETITION NO. 66 OF 2022

Krishna Bhediram Dorle

..Petitioner

versus

Municipal Council, Bhandatra and Others

..Respondents

Mr. M.P.Khajanchi, Advocate for Petitioner

Mr. N.R.Raut, Advocate h/for Mr.N.B.Kalwaghe, Advocate for
Respondent Nos.1 and 2

Mr.Firdos Mirza, Advocate for Respondent Nos.3 to 5

...

CORAM: NITIN JAMDAR &
ANIL L. PANSARE, JJ
DATED : 18 APRIL 2022.

P.C. :

Heard the learned Counsel for the parties.

2. The Petitioner has sought to set aside the decision dated 30 December 2021 whereby the Petitioner has been disqualified in the technical evaluation in respect of seven tender works issued pursuant to the notice dated 27 October 2021. The tender was called for by the Respondent No.1-Municipal Council for construction of cement concrete roads and drainage line work. The work is for providing public amenity.

3. An *ex-parte* interim order while issuing notice, was

issued on 6 January 2022 that no work order shall be issued. Thereafter the Municipal Council clarified that the work order was already issued and, as such, the same is made subject to the outcome of the Petition. The work order in respect of these public works has been already issued. The tender was called for in October 2021. There has been no stay to the work to be carried out in this Petition. Assuming the Petitioner challenges that the process has been arbitrary, in light of the decision of the Hon'ble Supreme Court in the case of *N G Projects Ltd. vs. Vinod Kumar Jain*¹ the appropriate course of action to the Petitioner would be to seek damages.

4. Keeping the contentions of the parties open, in case the Petitioner moves an action to seek damages, the Writ Petition is disposed of.

[ANIL L. PANSARE,J.]

[NITIN JAMDAR,J.]

sahare