

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4804 OF 2022

Gondwana Engineers Limited, Nagpur.

..VS..

The Chief Executive Officer, Nagpur Smart and Sustainable City Development
Corporation Limited, Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. G.C. Khond, Advocate for petitioner.
Mr. S.M. Puranik, Advocate for respondent.
Mr. A.S. Manohar, Advocate for intervenor.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : 06.10.2022

CIVIL APPLICATION (CAW) NO. 2229 OF 2022

Heard.

2. For the reasons stated in the application, the application is allowed. The intervenor is joined as a party respondent, it being a successful bidder to whom work order has already been issued.

3. Necessary amendment in the petition be carried out forthwith.

4. Mr. Manohar, learned counsel appears for newly added respondent and seeks leave of the Court to file reply of the newly added respondent, if required. Leave is granted.

5. The application is disposed of accordingly.

WRIT PETITION NO. 4804 OF 2022

The pursis filed by the respondent is taken on record, which is accompanied by some documents including affidavit submitted by the petitioner to the respondent.

2. The affidavit of the petitioner shows that he has given a declaration to the respondent that it has not been debarred or blacklisted or suspended or debarred from the business from any department of Central Government of India or State Government or PSU or any other Government or semi-Government department and so on, during the last three years from the bid due date. Admittedly, the bid due date is 15.07.2022. The other documents filed along with pursis, however, show that the petitioner was blacklisted on 19.06.2020 by the Directorate of Urban Administration and Development, Madhya Pradesh, Bhopal. This means that *prima facie*, the petitioner is blacklisted during the period which was within last three years of the bid due date. It also means that *prima facie*, the petitioner has tendered a false affidavit to the respondent. It also means that the petitioner by suppressing this material fact from this Court, has obtained interim relief from this Court.

3. The petitioner now would have to explain as to why no penal action be taken against him.
4. Stand over to **12.10.2022**.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Kirtak