

jvs

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

WRIT PETITION NO. 1367 OF 2022

Bhagawati Signature LLP & Anr.	}	Petitioners
Versus		
The City & Industrial Development	}	
Corporation of Maharashtra Ltd. & Ors.	}	Respondents

Mr. R. D. Soni i/b. Ram & Co. for the petitioners.

Mr. Nitin Gangal for respondents 1 to 3 (CIDCO).

Mr. R. P. Kadam, AGP for respondent no. 4 (State).

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 16, 2023

P.C.:

- 1.** Initially, the writ petition was filed as the bid of the petitioner was not accepted though the petitioner was highest.
- 2.** This Court, under order dated 7th January 2022, accepted the statement of the learned senior advocate for the CIDCO that it will consider the representation of the petitioner after affording them hearing. Pursuant thereto, the representation of the petitioner is decided, but the same is also negated under order dated 23rd March 2022. The same is also assailed in the present writ petition.
- 3.** The learned advocate for the petitioner submits that one of the reasons for rejection of the petitioner's offer under order dated 23rd March 2022 is that the amount quoted by the petitioner is much less compared to the existing market potential. The rates are also recommended by an independent expert

agency. The rates quoted by the petitioner are much below the rates recommended by the independent expert agency. The learned advocate submits that the petitioner was not made aware of the rates quoted by the independent expert agency. The learned advocate submits that the respondents be directed to intimate the rates of the independent expert agency. The petitioner may make offers to match the same.

4. We have also heard the learned advocate for the CIDCO. The learned advocate submits that at the relevant time, the petitioner was not ready to increase his bid and the same is observed in the order dated 23rd March 2022.

5. Considering the equities, we pass the following order:

- (i) The respondents may intimate the petitioner about the rates quoted by the independent expert agency.
- (ii) The petitioner may make a proposal with the respondents with regard to its readiness and willingness to raise its bid to match the rate recommended by the independent expert agency.
- (iii) The petitioner may give consent to the rates of the independent expert agency within 7 (seven) days of receipt of the intimation.
- (iv) However, this order shall not be construed as deciding the lis between the parties by us or accepting/not accepting the rates. It will be for the respondents to accept and/or reject the bid of the petitioner.

6. With the aforesaid directions, the writ petition is disposed of. No costs.

SALUNKE
J V

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by SALUNKE J V
Date: 2023.02.20
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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)