

*JPP*

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

***WRIT PETITION NO. 6404 OF 2023  
WITH  
INTERIM APPLICATION NO. 4650 OF 2023***

M/s. Shree Ganesh Transport Service ... Petitioner

V/s.

Palghar Municipal Council and Ors. ... Respondents

Mr. Karan Bhosale with Mr. Rahul Tripathi and Ramzanali Malik for the Petitioner

Mr. Gauresh Mogre i/b. Harshad Bhadbhade for Respondent No.2

Ms. R.A. Salunkhe, AGP for Respondent Nos. 3 to 5

Mr. Vivek Salunke with Mr. Ajinkya Jaibhave for the Respondent Nos. 6 & 7

***CORAM : NITIN JAMDAR , ACJ &  
ARIF S. DOCTOR, J.***

***DATE : 17 JULY 2023***

**P.C. :-**

Heard the learned Counsel for the parties.

2. The Petitioner has sought various directions by way of this Writ Petition. They pertain to the issuance of tenders by the

Respondent Nos. 1 and 2 – Palghar Municipal Council for the work of Solid Waste Management in the Municipal units. The tender was initially issued on 19 April 2022. The Petitioner submitted his bid on 11 July 2022. The Petitioner was found to be a lowest bidder. Thereafter, the Respondent – Council decided to re-tender the work and the re-tender was done on 24 November 2022. In the re-tender the Respondent – Council introduced two conditions; first No Due Certificate from the Council and the second pertaining to geographical certification. The grievance of the Petitioner is that even though the Petitioner has applied for No Due Certificate, the Petitioner was not given the same and the Petitioner has made complaints to the Municipal Council, the Collector and the Urban Development Department which also have not been looked into.

3. Since the Petitioner has invoked the Writ jurisdiction of this Court, we have to note the conduct of the Petitioner in approaching this Court. We find there are unexplained delay and latches on the part of the Petitioner. The Petitioner stated to have applied for No Due Certificate on 5 December 2022. Thereafter, the second tender was finalized in March 2023. This Petition is filed in April 2023. Nothing stopped the Petitioner from approaching this Court if new No Due Certificate was the only impediment. Thereafter, in May 2023, the contract is now awarded to Respondent Nos. 6 and 7. The learned Counsel for Respondent Nos. 6 and 7

states that pursuant to the work order his own workers have also been paid and the work has progressed.

4. Therefore, we are not inclined to interfere in the Writ jurisdiction at this stage. If at the inter departmental level the matter is looked by the State Government or by the Collector, it is for the administrators to look into the issue and at the behest of the Petitioner, we decline to issue any writ.

5. The Writ Petition is accordingly rejected.

6. The Interim Application also stands disposed of.

*ARIF S. DOCTOR, J.*

*ACTING CHIEF JUSTICE*