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

WRIT PETITION NO. 5980 OF 2023

M. E. Projects Private Limited .. Petitioner

Versus

Mira Bhayander Municipal Corporation & Ors. .. Respondents

Mr. Sandeep Maurya a/w Ms. Kavita Vishwakarma for petitioner.

Mr. Mayuresh Lagu for respondents/Corporation.

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

DATE: MAY 2, 2023

P.C.:

- 1.** The technical bid of the petitioner is rejected.
- 2.** The respondents/Corporation has floated the tender for work of Pre-monsoon Cleaning, Desilting and Excavation work of nallas with JCB Machine, Pocklan Machine, Boat Pocklain Machine, Dupmer, Toras, Hydra Machine and labours etc. in municipal area.
- 3.** The learned advocate for the petitioner submits that petitioner's tender was rejected on erroneous ground that the labour license was valid only upto 31st December, 2022. The learned advocate submits that after the petitioner would have declared L-1, it would have obtained the labour license. According to him, the similar tender condition was there for the earlier year and after the petitioner was declared L-1, it

obtained the labour license and that was accepted. The learned advocate further submits that one of the bidders was held to be technically qualified who also had labour license valid upto 31st March, 2023 and last date for submission of bid was 3rd April, 2023 and said bid was held to be technically valid. The petitioner is discriminated.

4. The learned advocate for the Corporation submits that the tender is for a limited period. The work order is issued to one M/s. Ashapura Construction Co. (respondent no.4) It has a labour license valid upto 31st December, 2024.

5. We have considered the submissions.

6. The work order is not issued to M. B. Brothers (respondent no.5) against whom the petitioner has a grievance that said company also had a labour license valid upto 31st March, 2023. The work order is issued to respondent no.4. The respondent no.4 has a labour license valid upto 31st December, 2024. The work in question is for a limited period i.e., pre-monsoon work. The work order is already issued on 27th April, 2023. It would be in nobody's interest to stall the work as the monsoon will be approaching within one and half months. It is admitted fact that the petitioner was not possessing valid labour license on the day the petitioner filled in the tender. The labour license of the petitioner expired on 31st December, 2022.

7. In the light of the above, no case is made out for interference. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)