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

PUBLIC INTEREST LITIGATION NO.19 OF 2023

Rajesh Waman Rane
VS.

..Petitioner

Maharashtra Housing Area
and Development Authority & ors.

..Respondents

Adv. Dr. Suresh Mane i/b. Adv. Babita Pandey for the
petitioner.

Adv. P. G. Lad a/w. Adv. Sayali Apte & Adv. Shreya Shah for
the respondent nos. 1 to 3 (MHADA).

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

DATE: MARCH 20, 2023

P.C.:-

1. Heard learned counsel Dr. Mane for the petitioner and
learned counsel Mr. Lad for MHADA.

2. According to learned counsel for the petitioner,
duplicate tenders were fraudulently prepared and excess
amount was paid to the contractor at the behest of the
respondent no.4. The vigilance enquiry was also conducted
against the respondent no.4 who was found guilty. Still the
respondent no.1 went on promoting the respondent no.4 to
Chief ICT Officer. Further action is not taken pursuant to the

vigilance report.

3. Learned counsel Mr. Lad for the respondents submits that it was by mistake that the excess amount was paid. The bid of LDS Infotech Private Limited is Rs.1,16,72,625/-. Later they submitted documents enhancing the amount to Rs.1,24,85,644/-. This happened because original proposal i.e. bid and bid proposal was misplaced. When it came to the knowledge, the mistake was rectified and letter dated 19/9/2019 was issued to refund the excess amount Rs.8,12,644 along with interest and the said amount was refunded by LDS Infotech Pvt. Ltd.

4. We have considered the submissions.

5. In the present PIL petition we would not go into vigilance enquiry report and further steps undertaken pursuant thereto. That would be a different aspect altogether. The parties can act upon the vigilance report.

6. As far as the recovery is concerned, the same was made even before filing of complaint by the petitioner. It is not the case that because of the complaint of the petitioner, the respondent nos.1 and 4 rectified the mistake. Prior to the complaint, the mistake was rectified and excess amount

recovered.

7. As far as promotion is concerned, under service jurisprudence, the petitioner would not have *locus standi* in respect of the same. In the light of that the PIL petition is disposed of.

8. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)