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

WRIT PETITION NO. 6730 OF 2023

with

WRIT PETITION NO. 6731 OF 2023

with

WRIT PETITION NO. 6732 OF 2023

with

WRIT PETITION NO. 6733 OF 2023

M/s. Rishi Construction

... Petitioner

V/s.

Municipal Corporation for the
City of Kalyan Dombivali Through
Municipal Commissioner and Ors.

... Respondents

Mr. D.S. Mhaispurkar for the Petitioner

Mr. A.S. Rao for Respondent Nos. 1 and 2

Mr. P.P. Kakade, Govt. Pleader with Mr. M.M. Pabale, AGP for
Respondent No.3

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

DATE : 11 JULY 2023

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has challenged the action of the Respondent – Municipal Corporation in not granting the tender to the Petitioner. The tender was called for the civil work. The learned Counsel for the Petitioner points out that as far as the tender is concerned, the challenge has become infructuous as the Respondent – Corporation has resorted to re-tender.

3. The learned Counsel for the Petitioner states that therefore the Petitioner is restricted to the order/observations of the City Engineer of the Municipal Corporation in the impugned communication dated 27 April 2023. In the impugned communication the Municipal Corporation has stated that the Petitioner being L-1 bidder submitted an extremely low bid and thereafter, did not submit an additional performance security deposit. The other bid could not match the Petitioner's bid and because of the delay that ensued during the rainy season, the work of drainage could not be carried out and with this observation the Municipal Corporation has directed that the Petitioner would be barred from participating in the tender issued by the Municipal Corporation for next one year.

4. The learned Counsel for the Petitioner states that this order is passed without giving any opportunity to the Petitioner.

5. The order is passed on 27 April 2023 and the substantial period has already been undergone. The Petitioner has made a representation to the Municipal Corporation on 2 May 2023 which is not yet decided in respect of this order.

6. Considering these facts, the Municipal Corporation would take a decision on the petitioner's representation within a period of three weeks after giving an opportunity to the Petitioner to put forth his case. The order dated 27 April 2023 shall be considered as an interim order and the observations therein be considered as prima facie and final order will be passed by the Municipal Corporation after giving an opportunity to the Petitioner as above.

7. The Writ Petition is accordingly disposed of.

ARIF S. DOCTOR, J.

ACTING CHIEF JUSTICE

JYOTI
PRAKASH
PAWAR

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by JYOTI
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