

Jvs.

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

WRIT PETITION NO. 10409 OF 2023

M/s. A. P. Multiservices	}	Petitioner
versus		
Divisional Railway Manager,	}	
Central Railway Divisional Office	}	Respondent

Mr. Bharat Kumar for the petitioner.

Ms. Anamika Malhotra for the respondent.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ.
& ARIF S. DOCTOR, J.**

DATE: 1st SEPTEMBER 2023

P.C.:

1. Heard Mr. Bharat Kumar, learned counsel for the petitioner and Ms. Malhotra, learned counsel representing the sole respondent.

2. Proceedings of this petition under Article 226 of the Constitution of India have been instituted with the following prayers: -

- a) A Writ in the nature of Mandamus or any other appropriate writ, order or direction, for quashing and setting aside the impugned tender notice dated 10th August 2023 **(EXHIBIT I)**;
- b) Pending the hearing and final disposal of the present Writ Petition, the impugned tender notice dated 10th August 2023 may kindly be stayed and the Respondent may kindly be restrained from proceeding with the fresh Tender **(EXHIBIT I)** process in respect of the

Pay and Park Contract at Dombivali East Site
"F", Mumbai Division.

- 3.** Submission of the learned counsel for the petitioner is that the petitioner was earlier issued a work order and he had also performed and executed certain works, however, without cancelling his contract, new tender has been floated, which is not permissible for the reason that the contract of the petitioner still subsists.
- 4.** Ms. Malhotra, learned counsel appearing for the sole respondent has produced before us a letter/order dated 9th August 2023, whereby the contract of the petitioner has been terminated and he has been directed to stop the operations.
- 5.** Strangely, in this writ petition, no prayer has been made in respect of the contract awarded to the petitioner. We have also been informed that pursuant to the tender notice dated 10th August 2023, which is under challenge in this writ petition, the tender process has been completed and even the work order has also been issued.
- 6.** In view of the aforesaid developments which have taken place after filing of the writ petition, the writ petition itself has been rendered infructuous. It is hereby, thus, dismissed. However, notwithstanding dismissal of the writ petition, the petitioner will be at liberty to take recourse to legal remedies which may be available to it in law for challenging the termination of contract and also for redressal of any other grievance in respect of the contract given to him earlier.

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE
Date: 2023.09.02
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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)