



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 WRIT PETITION NO. 1341 OF 2024

SHALIMAR TRANSPORT AND CARTING CONTRACTOR
THROUGH ITS PROPRIETOR SHAIKH HAMID SHAIKH RAHIM
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1568 OF 2024

(SHALIMAR TRANSPORT AND CATERING CONTRACTOR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS)

WITH

WRIT PETITION NO. 2574 OF 2024

(SHALIMAR TRANSPORT AND CATERING CONTRACTOR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS)

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Advocate for petitioner : Mr. R.C. Brahmkar

h/f. Mr. N.L. Jadhav (WP/1341/2024)

Advocate for petitioner : Mr. R.C. Brahmkar

h/f. Mr. Ganpati V. Bhosale (WP/1568/2024)

Advocate for petitioner : Mr. B.R. Kawre (WP/2574/2024)

Addl.GP for the respondent – State : Mr. P.S. Patil

Advocate for respondent no. 3 : Mr. Y.V. Kakade, (WP/1341/2024 and WP/1568/2024)
and for respondent no. 2 in WP/2574/2024

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 24 JULY 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

After we started hearing these matters, we have come across a horrifying state of affairs, demonstrating as to what extent an unscrupulous litigant can go.

2. All these three petitions are filed by the same entity who has participated in the same tender process floated by the respondent

– municipal corporation, bearing E-tender Notice no. 108/2023-2024, dated 09-01-2024. The selfsame petitioner / bidder filed three consecutive writ petitions on 19-01-2024, 05-02-2024 and 02-03-2024 without disclosing that earlier petition/s were filed; rather making a statement in the memo of petitions about having not filed any other petition/s.

3. More serious is the issue that in spite of having obtained an ad interim relief in writ petition no. 1568 of 2024 on 07-02-2024, suppressing this, additional ad interim relief was obtained in the latest writ petition no. 2574 of 2024 on 19-03-2024.

4. Irrespective of the arguments of the learned advocates representing the petitioners, who are incidentally three different lawyers trying to demonstrate that the petitions were filed in the peculiar circumstances, the fact remains that filing of the earlier petition/s was not disclosed in the subsequent petition/s and same was the case in respect of the disclosure regarding ad interim relief.

5. When the ad interim relief granted on 07-02-2024 in respect of the selfsame tender process was in operation, the very conduct of the petitioner in not disclosing that fact and obtaining additional ad interim relief in the third petition, resorting to suppression of material fact, would constitute a blatant fraud.

6. We dismiss the writ petitions with exemplary costs of Rs.50,000/- (Rs. Fifty Thousand), to be deposited within two weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/