

Jvs.

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

WRIT PETITION NO. 867 OF 2024

Hemant Ashar, the Partner } of Shreeji Network Solutions }	Petitioner
versus	
Nashik Municipal Smart City } Development Corporation } Ltd. & Ors. }	Respondents

Mr. Ashutosh Kulkarni i/b. Mr. Susmit Phatale for the petitioner.

Mr. M. L. Patil for respondents 1 and 2.

Ms. Priyanka Desai with Ms. Rucha Prabhu i/b. The Fort Circle for respondent no. 3.

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

DATE: 25th JANUARY 2024

P.C.:

- 1.** Issue notice to the Respondents, returnable on 30th January 2024.
- 2.** Mr. Patil, learned counsel puts in appearance on behalf of respondents 1 and 2 and waives service of notice and Ms. Desai, learned counsel puts in appearance on behalf of respondent no.3 and waives service of notice.
- 3.** Contention of the learned counsel for the petitioner is that the respondent no. 3 participated in the tender and submitted

JAYANT
VISHWANATH
SALUNKE

Digitally signed by
JAYANT VISHWANATH
SALUNKE
Date: 2024.01.25
14:53:03 +0530

certain forged and fabricated documents. Our attention has been drawn to a certificate issued by Shri. Ramdas Ugale, a Chartered Accountant certifying the turnover of the respondent no. 3 for last five years, according to which, each year the turnover of the said firm was more than Rs.35 crores. The said certificate is said to have been issued by the said Chartered Accountant on 21st July 2022.

4. Learned counsel for the petitioner, thereafter, takes us to another document available at page 372 of the writ petition, which is the death certificate issued by Navi Mumbai Municipal Corporation under the Registration of Births and Deaths Act, 1969, which depicts the date of death of the said Chartered Accountant-Ramdas Ugale as 18th April 2015.

5. If the document at page 371, which is the certificate issued by the Chartered Accountant, was submitted as part of the bid document by the respondent no. 3 and the death certificate annexed as Exhibit-I to the writ petition is genuine, the bid submitted by the respondent no. 3 will come under cloud of suspicion for misrepresentation.

6. Let complete instructions in the matter be sought by the respondents by the next date of listing.

7. Learned counsel representing the Nashik Municipal Smart City Development Corporation Ltd. shall produce the complete bid documents submitted by respondent no. 3 on the next date of listing.

8. Stand over to **30th January 2024 'for directions'**.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)