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

WRIT PETITION NO. 11893 OF 2024

M/s. LTPS infra-Pvt. Ltd. & Ors.

.. Petitioners

Versus

**City and Industrial Development
Corporation of Maharashtra
& Ors.**

.. Respondents

Mr. Vijay Kurlle a/w Priyal Gupta for petitioners.

Mr. Ashutosh M. Kulkarni a/w Mr. Akshay Kulkarni for
respondent nos.1 and 2.

Mrs. Neha S. Bhide, Government Pleader with Mr. O. A.
Chandurkar, Addl. Govt. Pleader and Mrs. G. R. Raghuwanshi,
AGP for respondent no.3-State.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: 12th NOVEMBER, 2024

P.C.:

1. Learned counsel for the petitioners has argued for grant of interim relief and has submitted that though, on the basis of the subject tender, LOI has been issued, however, work order has yet to be issued. His submission is that to avoid any complication, which may arise on account of issuance of work order resulting in creation of third-party rights, the Court may restrain the respondent-Corporation from issuing the work order.

2. In the affidavit-in-reply, the respondent-Corporation has stated that limited preference to the Project Affected Persons (PAPs) is available in the non-specialized works. The said preference is limited to giving preference to PAP bidder in case more than one bidder quotes lowest bid amount. As to the challenge to Clause 10.b) of the tender conditions, it has

been argued by the learned counsel representing the respondent-Corporation that such a condition has been put only to check monopoly of the PAPs. He has cited certain statistics, as contained in paragraph 9 of the affidavit-in-reply, according to which in the current year the Corporation has floated 31 tenders for cleaning, sweeping and sanitation services for Railway station platforms and out of total 31 tenders, 23 e-bids, i.e., 75% of the total bids were invited keeping eligibility exclusively for the entities formed by PAPs. He further states that out of 23 floated tenders, 21 tenders have actually been awarded to various PAP entities, particularly the petitioners, namely, Petitioner Nos. 1, 2, 3, 4, 6, 7, 8, 9 and 10 who have been awarded two tenders each, while Petitioner No.5 has been awarded one tender. As to whether the reason given by the respondent-Corporation for putting up such condition in the tender document stands judicial scrutiny or not can be considered by the Court at the time of final hearing.

3. Thus, *prima facie*, we are not satisfied that petitioners have been able to make out case for grant of interim relief. The prayer for grant of interim relief is, thus, rejected.

4. Let rejoinder affidavit to the affidavit-in-reply filed by the respondent-Corporation be filed by the petitioners within two weeks. We also permit the petitioners to move appropriate Interim Application challenging the LOI within this period.

5. Stand over to **5th December, 2024.**

(AMIT BORKAR, J.)

(CHIEF JUSTICE)