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

**WRIT PETITION NO. 13749 OF 2024**

**Ronak Advertising**

**.. Petitioner**

**Versus**

**Navi Mumbai Municipal  
Corporation & Ors.**

**.. Respondents**

Mr. Rohan Savant a/w Vibhav Gadre a/w Ashutosh Agarwal  
i/by Devashish Godbole for petitioner.

Mr. Tejesh Dande a/w Shama Mulla, Bharat Gadhavi for  
respondent nos.1 to 3- NMMC.

Mr. P. P. Kakade, Government Pleader a/w Mr. O. A.  
Chandurkar, Addl. Govt. Pleader and Ms. G. R. Raghuwanshi,  
AGP for respondent no.4.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &  
M. M. SATHAYE, J.**

**DATE: 4<sup>th</sup> OCTOBER, 2024**

**P.C.:**

- 1.** Issue notice to the respondents.
- 2.** Mr. Tejesh Dande, learned counsel, has put in  
appearance on behalf of respondent nos.1 to 3 and waives  
service of notice, whereas learned Government Pleader has  
put in appearance on behalf of respondent no.4 and waives  
service of notice.
- 3.** It has been argued by the learned counsel for the  
petitioner that the impugned tender condition requires  
minimum annual turn over of Rs.25 Crores for five financial  
years (financial years 2018-2019, 2019-2020, 2020-2021,  
2021-2022 and 2022-2023) which is unreasonable

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considering the fact that in the earlier two tenders for the same work relating to display of advertisement by affixing kiosk on Street Light Poles in Navi Mumbai Municipal Corporation area, the requirement was average annual turnover for five financial years and not minimum annual turnover for five financial years. It is his submission that these five financial years included the years 2018-2019 and 2019-2020 which was Covid period and, therefore, expecting any participating firm or tenderer to have the same annual turn over as in a non-Covid period is unreasonable. It is his submission that, thus, there is no justifiable cause for the respondent-Corporation to deviate from average annual turnover for five financial years to minimum annual turnover for five financial years. The submission, thus, is that if average annual turnover is the criteria, the same does not in any manner affect the capability or capacity of the tenderer to perform the task.

**4.** Learned counsel representing the respondents-Corporation, on instructions, submits that last date for submission of bid shall be extended up-till tomorrow. He also prays for and is granted time till 8<sup>th</sup> October, 2024 to seek instructions in respect the impugned tender condition. He has also stated that till 8<sup>th</sup> October, 2024, the technical bid of the subject tender shall not be opened.

**5.** Stand over to **8<sup>th</sup> October, 2024**. To be listed **high on board**.

**(M. M. SATHAYE, J.)**

**(CHIEF JUSTICE)**