

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1439 OF 2024

Mumbai Shahar Berojgar Seva	}	
Sahakari Sanstha Federation Limited	}	Petitioner
versus		
Municipal Corporation of Greater	}	
Mumbai & Ors.	}	Respondents

Mr. Mayur Khandeparkar with Mr. Aditya Miskita, Mr. Sanjeel Kadam, Ms. Netra Jagtap and Mr. Soham Salvi i/b. Kadam & Co. for petitioner.

Mr. Anil c. Singh, Senior Advocate with Ms. Shilpa Redkar i/b. S. K. Sonawane for MCGM.

Mr. Abhay L. Patki, Additional Government Pleader for respondents 4 & 6 (State).

Mr. Jydeep S. More, executive Engineer, SWM Planning, Mr. Sanjay B. Mohite, Assistant Engineer, SWM Planning, Mr. Navnath N. Bhagat, Sub Engineer, SWM Planning, Mr. Sharad M. Doke, Under Secretary, UDD and Mr. Sandeep Gaikwad, Assistant Commissioner, Skill Development Department present.

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

DATE: 10th MAY 2024

P.C.:

- 1.** The learned Additional Government Pleader has tendered minutes of the meeting dated 3rd May 2024, which is taken on record.
- 2.** Learned counsel for the petitioner tenders draft amendment and seeks leave to amend the petition in terms of the same.
- 3.** Having regard to the nature of amendment sought, the prayer for amending the petition is allowed. Learned counsel for the petitioner shall incorporate the necessary amendments within a week and serve an amended copy of the petition upon the respondents within a week thereafter. Re-verification is dispensed with.
- 4.** We have been informed that the respondent-Corporation has filed its affidavit in reply to which rejoinder affidavit has also been filed. Let an affidavit in reply to the amended portion of the writ petition be filed by the respondent-Corporation within four weeks.
- 5.** The State authorities shall also file their affidavit/s in reply to the entire amended petition within four weeks; rejoinder thereto, if any, may be filed by the petitioner within two weeks thereafter.
- 6.** Stand over to **9th July 2024**.
- 7.** We, however, modify our earlier order dated 22nd April 2024 and provide that finalization of the tender process and the work order pursuant thereto shall be subject to final outcome of the writ petition.

8. Having regard to the social welfare measures emanating from Government Resolutions dated 17th August 2002 and 23rd October 2002, we expect that the appropriate authority of the respondent-Corporation shall consider if the members of the petitioner co-operative society or any other such co-operative society can be considered to be engaged in the work of the subject tender by the successful tenderer.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)

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signed by
JAYANT
VISHWANATH
SALUNKE
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