

Jvs.

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

WRIT PETITION NO. 3137 OF 2024

SONU Cargo Movers (I) Pvt. Ltd. }	Petitioner
Versus	
Oil and Natural Gas Company Ltd. }	
(ONGC) }	Respondent

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Ms. A. S. Khandeparkar, Senior Advocate
with Mr. Rohan Kadam i/b. Mr. Siddharth
Karpe, Mr. Ketan Joshi and V. V. Mohite
for petitioner.

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

DATE: 1st JULY 2024

P.C.:

- 1.** The Court had issued notice to the respondent on 28th June 2024 and considering the urgency in the matter, service through Hamdast was permitted. As per the office report dated 29th June 2024, the respondent has been served, however, when the matter is called out, no one appears for the respondent.
- 2.** Issue fresh notice to the respondent, returnable on **29th July 2024**.
- 3.** Learned senior counsel Mr. Khandeparkar representing the petitioner has argued for grant of interim relief on the ground that the reason given by the respondent for not accepting the technical bid submitted by the petitioner, in response to the subject tender, runs contrary to the provisions of section 81 of

the Motor Vehicles Act, 1988 (hereafter referred to as "Motor Vehicles Act") and hence, the petitioner has been deprived of participation in the tender process on absolutely illegal ground. He has drawn our attention to sub-section (5) of section 81 of the Motor Vehicles Act, which is extracted herein below: -

81(5) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.

His submission is that in terms of the provisions of sub-section (5) of section 81 of the Motor Vehicles Act, in a case where permit is renewed after expiry of the period of the earlier permit, such renewal shall have effect from the date of such expiry. The submission is that the earlier permit of the vehicle of the petitioner expired on 3rd December 2023 and an application was made on 12th March 2024 for renewal of the permit, whereupon, the authorization was granted by the authorities under the Motor Vehicles Act to the petitioner on 13th March 2024 and thereafter, the permit was renewed on 14th March 2024. Mr. Khandeparkar has submitted that in view of the provisions of section 81(5) of the Motor Vehicles Act, though the permit was renewed on 14th March 2024, however, it shall take effect w.e.f. 4th December 2023 itself.

4. It is further stated that though the date of technical bid opening is shown to be 12th March 2024, however, the technical bids were actually examined in the month of April 2024 and the information about the renewal of the permit of the petitioner's vehicle was made available to them.

5. In this view, the submission is that the impugned order rejecting the technical bid is illegal and hence, on that score, the petitioner could not have been denied participation in the tender process.

6. Having regard to the provisions of section 81(5) of the Motor Vehicles Act, it is apparent that though on the technical bid opening date i.e. 12th March 2024, the permit of the petitioner's vehicle may not be renewed, however, having once been renewed on 14th March 2024, by operation of law i.e. by operation of section 81(5) of the Motor Vehicles Act, the renewal will be treated to have been done w.e.f. 4th December 2023 and hence, we are of the *prima facie* opinion that the reasons indicated in the impugned order do not appear to be tenable.

7. Accordingly, we provide that the tender process of the subject tender shall go on, however, the same shall not be finalized until final decision on this petition.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)