



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO. 6881 OF 2025

VIDYASAGAR VIJAYKUMAR KAMBOJ

VERSUS

THE STATE OF MAHARASHTRA THROUGH URBAN DEVELOPMENT
DEPARTMENT AND OTHERS

...

Ms. Priyanka P. Shinde – Advocate for Petitioner

Ms. Saie S. Joshi – AGP for Respondent No.1, State

Mr. T.M. Venjane – Advocate for Respondent Nos.2 to 4

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**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE : 12.08.2025

PER COURT :

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.
2. Heard learned Counsel for the petitioner and the learned Counsel appearing for the contesting respondent – Municipal Corporation.
3. The respondent – Municipal Corporation is concerned with the pendency of this petition as an interim order dated 02.06.2025 has been operating during the pendency of this petition. The effect of the interim order granted as per prayer clause – B1 is that the tender has not been opened, as a consequence of which the work of proposed improvement of roads damaged due to underground drainage work under Amrut Scheme

in LCMC area (Phase-2), has been held up. Learned Counsel for respondent – Municipal Corporation submits that this Court may consider hearing and disposing of this petition today itself, so that the development work is not stalled any further.

4. The principal contention raised on behalf of the petitioner is that although the tender notice specifies that geo tagging by the bidders is mandatory, involving visit of the bidder/contractor to atleast five locations followed by geo tagging, when the petitioner sought to undertake the said exercise, the officials of respondent – Municipal Corporation did not cooperate. According to the petitioner, the said actions of the officials of respondent – Municipal Corporation were deliberate and they were undertaken with the aim of illegally keeping out the petitioner from participation in the aforesaid bidding process.

5. Attention of this Court was invited to communications addressed to the officials of respondent – Municipal Corporation on atleast three dates, stating the plight of the petitioner and seeking remedial action. It is submitted that the officials of the respondent – Municipal Corporation did not respond at all, as a consequence of which the petitioner was unable to complete the exercise of geo tagging.

6. Learned Counsel for the petitioner specifically submitted that while visits to two site locations could be completed, the remaining three were not even identified by the officials of respondent – Municipal Corporation

to enable the petitioner to complete the exercise of visit to five site locations followed by geo tagging. It was brought to our notice that even on an earlier occasion the petitioner had to knock the door of this Court by filing Writ Petition No. 1186 of 2024, when the petitioner was illegally held to be technically disqualified. It is submitted that although the said petition has remained pending, since one of the respondents therein is granted the work order, in a manner of speaking, the said petition is rendered infructuous. But, attention of this Court was invited to the pendency of the said Writ Petition to claim that the respondent – Municipal Corporation is deliberately acting in a malicious manner against the petitioner.

7. Learned Counsel appearing for the contesting respondent – Municipal Corporation has refuted the allegations of malice and illegality made against the respondent – Municipal Corporation. It is submitted that as many as three other bidders have successfully made five site location visits alongwith geo tagging and there is no reason why the petitioner could not complete the said exercise. It is submitted that the details of the concerned locations were given in the tender notice itself to enable the prospective bidders to undertake the exercise of visit the five site locations followed by geo tagging. The petitioner having failed to do so, cannot turn around and make allegations against the respondent – Municipal Corporation.

8. In the light of specific contention raised on behalf of the petitioner, we have perused the contents of the Writ Petition and also the documents filed therewith. We do not find a specific contention raised on behalf of the petitioner that while visits to two site locations could be completed, no further details for the remaining three site locations were given by the respondent – Municipal Corporation. In the representations made to the respondent – Municipal Corporation, the petitioner generally stated that geo tagging was not being facilitated. We find that the tender notice itself, in the relevant portion pertaining to geo tagging at clause – 3, provided the name and designation of the engineer of the respondent – Municipal Corporation alongwith his mobile number to facilitate such visits to atleast five site locations followed by geo tagging. The petitioner has not been able to give details as to the number of occasions and the manner in which the petitioner reached out to the said specified official for completing the requirement of visit to five site locations and geo tagging. There is some substance in the contention raised on behalf of the respondent – Municipal Corporation that the acknowledgments on the the representations made by the petitioner show that they were generally submitted with the office of the Municipal Corporation and there does not appear to be sufficient material to indicate that the petitioner indeed reached out to the specific official/engineer whose details were given in the tender notice itself.

9. We are of the opinion that in such circumstances, the petitioner has not been able to make out a case of malicious conduct on the part of the Municipal Corporation or that the conduct was illegal and arbitrary to justify interference in favour of the petitioner at this stage. Since 06.02.2025 the aforesaid interim order is operating in this petition, as a consequence of which the bids of the three other bidders have not been opened and the aforesaid development work has been stalled for more than six (6) months.

10. Since we are of the opinion that the petitioner has not been able to make out a case in his favour to show any further indulgence in the matter, particularly because the Writ Court has to be slow in interfering with tender matters and commercial matters, we are inclined to dismiss the writ petition and vacate the interim order.

11. In view of the above, the Writ Petition is dismissed. Interim order dated 02.06.2025 is vacated.

12. Pending Civil Applications, if any, also stand disposed of.

13. Rule stands discharged accordingly.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)