IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 24 OF 2025

Rajat Banerjee .. Petitioner

Versus

City and Industrial Development and Corporation of Maharashtra Limited (CIDCO Ltd) .. Respondent

…

None for the petitioner.
Ms.P.M. Bhansali for respondent no.1 CIDCO.
Ms.Neha S. Bhide, G.P with Mrs. R.A. Salunkhe, AGP for the State – respondent no.2.

CORAM : ALOK ARADHE, CJ &
BHARATI DANGRE, J
DATED : 3rd MARCH, 2025

ORDER (Per Bharati Dangre, J)

1 A petition filed by the petitioner was listed before the Court on 27/1/2025 when the following order was passed:-

> *"(1) In this petition, the petitioner has assailed the illegal appointment of respondent nos.3 and 4 as Real Estate Marketing and Advisor Consultant for its Mega Housing Project under the Pradhan Mantri Awas Yojana (PMAY) by CIDCO at a fees of Rs.700 crores.*
> *2 In paragraph 52 of the writ petition, it has been averred that the petitioner has no personal interest in the writ petition.*
> *3 When a query was put by this Court to the learned counsel for the petitioner, he prays for and is granted two weeks' time to convert this writ petition into PIL.*
> *Stand over to 10th February, 2025."*

2 Pursuant to the said direction, Writ Petition was converted into a Public Interest Litigation.

On 10/2/2025, none appeared for the petitioner and therefore, it was directed to be listed today.

Even today, none represented the petitioner and therefore, we have perused the pleadings therein, so as to ascertain whether there is any element of public interest, which deserve our consideration.

3 The petitioner, a resident of Navi Mumbai has pleaded that CIDCO, the New Town Planning Authority, designated for development of township of Navi Mumbai under the Maharashtra Regional Town Planning Act, 1966, has taken up several housing projects in Navi Mumbai and has constructed and sold several residential units to the public at large. For making allotments, the applications are preferred online since there are multiple applicants who claim interest in the said units and the final allottees are selected through lottery system. According to the petitioner, the respondent no.1 has appointed consultants to provide various services related to allotment procedure, including pre-lottery activity, sorting and collation of the applicants data for lottery and post lottery activities, document verification of eligible candidates and e-registration of the final allotttes for which CIDCO pays approximately Rs.10,000 per unit.

4 Pleading that CIDCO is now undertaking Mega Housing Project under the Pradhan Mantri Awas Yojana (PMAY) mission, where more than 67,000 residential and commercial tenements are to be developed in various nodes of Navi Mumbai, it had published a request for proposal on 13/10/2021 seeking proposal for "Appointment of Real Estate Marketing & Adviser Consultant" specialized in marketing, branding, sales and post sales service for End-to-end implementation and management of CIDCO Mega Housing PMAY for a period of 42 months + 24 months.

Pursuant thereto, the three bids were received and the offer submitted by joint venture of respondent nos.3 and 4 was selected for fees of Rs.699,03,84,000/-.

The petition has further pleaded that at the time when the joint venture of respondent nos.3 and 4 was declared to be qualified, three other proposals were rejected for not satisfying with the condition of eligibility and, therefore respondent no.1 decided to issue fresh RFP with amended eligibility criteria, pursuant to which three offers were received and all of them were found to be eligible as per pre-qualification and technical criteria. Once again, the venture of respondent nos.3 and 4 emerged to be the highest across technical criteria (H1) and lowest financial (L1) and the letter of acceptance was issued in its favour on 23/5/2022.

5 It is the contention in the petition that letter of acceptance reveal that the entity shall be paid an amount of Rs.1,04,000/- (Rupees One lakh four thousand) per tenement, whereas respondent no.1 is currently getting services for only Rs.10,000/- per tenement. Hence, the petitioner conducted certain research and also sought information by preferring necessary applications under Right to Information (RTI), but he was denied the information. As on date, the grievance of the petitioner is that CIDCO has launched the scheme for appointment of a marketing consultant and the said RFP at highly elevated cost resulting into unjust enrichment.

6 In the wake of the aforesaid, the petitioner has sought the following reliefs :-

> *(a) That the Hon'ble Court be pleased to issue a Writ in the nature of mandamus or such other Writ or directions as the Hon'ble Court may deem fit, to respondent nos.1 and 2, directing them to place the entire records and justification with respect to the empanelment and appointment of a Marketing Consultant for the Mega Housing PMAY Project, before the Hon'ble Court.*
> *(b) That the Hon'ble Court be pleased to issue a Writ in the nature of mandamus or such other Writ or directions as the Hon'ble Court may deem fit, to conduct an independent enquiry in respect of the above appointment, under the supervision of the Hon'ble Court or any other independent agency that the Hon'ble Court may consider suitable for the purpose, and to cancel the appointment, if the result of the enquiry establishes that the appointment is against public interest or is not executed in a bonafide manner.*
> *(c) That pending the completion and final report of the independent enquiry as above, the Hon'ble Court be pleased to stay the operation of the Letter of Acceptance dated 23 may 2022 issued by respondent no.1 to respondent nos.3 and 4, and payment of any amounts thereunder."*

7 The petitioner is a retired member of Indian Engineering Services and presently self employed as an engineer consultant. We do not find any element of public interest in the entire petition, except stating that the act of respondent no.1 in allotting the work in favour of respondent nos.3 and 4 would cause unjust enrichment.

When we permitted the petitioner to convert the petition into a Public Interest Litigation, he filed an affidavit affirmed on 10/2/2025, where he has stated that the petition is in the larger interest of public and he is not personally interested in the subject matter of the PIL, nor he has any personal gain, private motive or oblique reason.

We are not satisfied with the aforesaid pleadings in the petition which would persuade us to issue notice to the respondents for inquiring into the cause set out in the petition.

8 The highest court of this country has issued guidelines for entertaining Public Interest Litigation, and it is directed that the Court must be satisfied that the petition involves a substantial public interest and it is aimed at redressing genuine public harm or injury. At the same time, the Court must ensure that the petition is not motivated by personal gain. No petition involving individual/personal matter shall be entertained as 'Public Interest Litigation'.

The Public Interest Litigation, which was conceived to allow marginalised individuals and groups to access the higher courts through the proceedings brought by unaffected parties, resulted in relaxing the rule of locus standi. Various petitions were entertained by diluting the norms for locus standi in the past, however, lately, the highest court of the country has sounded a word of caution, and it directed that the Courts must be careful to see that the member of the public approaching the Court is acting bonafide and not for private profit, personal gain, political motivation or "other oblique consideration".

9 The experience of the higher courts in loosening the rules of locus had led to slew of PILs warranting the Court to repeatedly observe that there was a distinction between 'genuine petitioner' and the 'busy body'.

At times, observing that the Public Interest Litigation had taken the shape of publicity interest litigation, the invocation of PIL jurisdiction was justifiably refused, when the Court was not satisfied that the petition filed is in larger public interest and those who are affected are unable to reach the Court.

10 In the present case, we do not find any element of public interest, except the concern expressed by the petitioner which we find to be totally unfounded, as none of the person who was required to pay the requisite amount as fees for consultant has approached this Court challenging it to be exorbitant.

In any case, it appear that the petitioner himself is not interested in prosecuting the petition and therefore, has failed to mark his presence before us.

Finding no merit and substance in the petition captioned as 'Public Interest Litigation', the same is dismissed, since it lack any merit.

(BHARATI DANGRE, J.) (CHIEF JUSTICE)