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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2939 OF 2024

Dilliwala and Sons through its Proprietor

... Petitioner

V/s.

The Pimpri Chinchwad Municipal Corporation,
through its Commissioner and Ors.

... Respondents

Mr. R.G. Panchal with Mr. Manoj Gadkari with Mr. Shadab Shaikh with Mr.
Sarang Gundajwar and Kailas Jadhav for the Petitioner
Mr. Kedar B. Dighe for Respondent Nos. 1 and 2 - PCMC

CORAM : ALOK ARADHE, CJ. AND
SANDEEP V. MARNE, J.

DATE : 21 JULY 2025

Oral Order (Per Chief Justice) :

1. In this Petition, the Petitioner, *inter-alia*, seeks to quash and set aside the order dated 4 December 2023, by which the Petitioner has been disqualified on the ground that the Petitioner does not fulfill the eligibility criteria. The Petitioner also questions the order dated 30 January 2024, by which the Respondent No.3 has been awarded the tender. In order to appreciate the grievance of the Petitioner, relevant facts need mention which are stated infra.

2. Pimpri Chichwad Municipal Corporation issued an advertisement on 19 October 2023 which was published in the newspapers

for inviting applications for tender for lifting and disposal of dead/stray animals. An E-tender Notice No.04/2023 was issued online. The Petitioner, on 25 October 2023, submitted an objection with regard to condition of experience of lifting live stray animals as the tender notice pertains to lifting and disposal of the dead animals. The objection submitted by the Petitioner was rejected on 28 October 2023. The Petitioner, thereafter, on 2 November 2023 submitted its bid.

3. The Petitioner, thereafter, filed a Writ Petition viz. Writ Petition No. 13907 of 2023, in which challenge was made to the terms and conditions of the notice inviting tender. The aforesaid Writ Petition was disposed of by a Division Bench of this Court by an order dated 6 November 2023 taking note of the clarification issued by the tender inviting authority in respect of Clause 13 in the notice inviting tender. The bid submitted by the Petitioner was rejected on 14 December 2023, *inter-alia* on the ground that the Petitioner did not satisfy with the criteria laid down in the Clause 14 of the notice inviting tender of ownership of two vehicles certified by the RTO to be fit for carriage of animals. Thereafter, on 30 January 2024, the Corporation declared the Respondent No.3 as successful bidder. Hence, this Petition.

4. The learned Counsel for the Petitioner submitted that the Corporation ought to have appreciated that the requirement of being the

owner of two vehicles applies to a case of stray animals only and not for carrying dead animals. In this connection, our attention has been invited to order dated 6 November 2023 passed by a Division Bench of this Court in Writ Petition No. 13907 of 2023 and it has been pointed out that the Corporation itself has issued the clarification in respect of Clause 13. It is also submitted that Respondent No.3 has furnished forged and fabricated documents along with its bid. Therefore, the bid submitted by Respondent No.3 could not have been accepted by the Corporation.

5. We have considered the submissions made by the learned Counsel for the Petitioner and have perused the record.

6. Normally, the issue with regard to formulation of tender conditions is in the realm of the authority issuing the tender and the scope of judicial review with tender conditions is extremely limited. (See ***Tata Cellular Vs. Union of India – 1994 (6) SCC 651, Afcons Infrastructure Ltd. v/s. Nagpur Metro Rail Corporation Ltd. & Ors. - 2016(10) SCC 818***).

7. In the instant case, Clause 13 deals with the experience of lifting the dead or stray animals whereas Clause 14 of the notice inviting tender mandates the bidder to be owner of two vehicles which are certified by the RTO which are fit for carriage of animals. Thus, Clauses 13 and 14 are independent clauses which prescribe different qualifications with regard to

eligibility. The Petitioner admittedly is not the owner of two vehicles which are certified by the RTO to be fit for carrying animals. The contention of the Petitioner that the requirement of being owner of two vehicles applies only to a case of lifting of stray animals and not for carrying the dead animals does not deserve acceptance as Clauses 13 and 14 lay down different eligibility criteria and are independent of each other.

7. For the aforementioned reasons, we find that the Petitioner did not qualify the essential eligibility criteria laid down in the notice inviting tender and therefore, his bid has rightly been rejected. However, it will be open for the Petitioner to make a complaint with regard to genuineness or otherwise of the certificates annexed by Respondent No.3 along with their bid documents. In case, any such complaint is filed, the Corporation shall consider the same after affording opportunity to the parties and shall pass appropriate orders thereon. It is made clear that this Court has not expressed any opinion on merits of the matter.

8. Accordingly, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)