

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9974 OF 2024
WITH
INTERIM APPLICATION NO. 12351 OF 2024

Sumeet Facilities Ltd.

.. Petitioner

Versus

Pune Municipal Corporation & Ors.

.. Respondents

...

Mr.Siddharth Chavde i/b Mr. Chinmay Patil for the petitioner.

Mr.Vishwanath Patil a/w Shantanu H. Katkar for respondent nos.1 to 5 (PMC).

Mr.Radhikesh Uttarwar with Ms. Pooja R. Thakur for respondent no.6 (through VC).

CORAM : ALOK ARADHE, CJ &
BHARATI DANGRE, J
DATED : 4th MARCH, 2025

ORDER (Per Bharati Dangre, J)

1 The present petition is filed being aggrieved by non-consideration of the financial bid of the petitioner and instead declaring respondent no.6 as a lowest bidder and subsequently, issuing the work order for outsourcing sweeping work in the Wanawadi – Remtekdi region for the year 2024-25 in its favour.

2 Heard respective counsel for the parties.

The respondent Pune Municipal Corporation published a tender for the purpose of outsourcing sweeping work in Wanawadi – Remtekdi region for the year 2024-25 and the petitioner finding itself to be eligible participated in the process along with respondent no.6. According to the petitioner, the respondent no.6 did not meet the mandatory terms and conditions of eligibility but was cleared the technical assessment along with the petitioner, as on technical scrutiny, out of six bidders, two were disqualified and four bidders including the petitioner and respondent no.6 were declared to be qualified.

On 10/6/2024, when the Corporation opened the financial bids of the qualified bidders, and all the bidders emerged as lowest, and in such circumstances, the winning bidder had to be selected by way of lottery. However, it is according to the petitioner that despite existence of various discrepancies and errors in the bid submitted by respondent no.6, the bid of respondent no.6 was allowed which resulted in issuance of work order in its favour on 18/7/2024 to be followed by an agreement entered on 23/7/2024.

It is the specific grievance of the petitioner that the process adopted by the respondent Corporation is arbitrary as it lack transparency and the respondent no.6, who did not meet with the necessary mandatory stipulations, without taking into consideration the objection raised by the petitioner, as regards its qualification, a decision was taken to allot the work in its favour

and it is therefore, alleged that respondent no.6 was unduly favoured at the cost of the petitioner and therefore, it is prayed that not only the tender process but the work order issued in favour of the respondent no.6, be cancelled.

3 Respondent no.1 i.e. Corporation through the Zonal Commissioner has filed its affidavit, categorically stating that pursuant to the advertisement issued, six bids were received, and on 2/4/2024, technical bids were opened and on 4/4/2024, technical scrutiny of online bids started and opportunity was given to all the six bidders to comply with the necessary requirements since their bids were found to be deficit in some aspects. The petitioner therefore, submitted the necessary documents on 16/4/2024 whereas the respondent no.6 submitted the documents on 28/4/2024.

It is further submitted that on 10/6/2024, packet 'B' (financial bid of the subject work) was opened and four contractors were qualified, but since they quoted the same rate, the process of selecting L1, was conducted by way of lottery and all the bidders were directed to remain present.

In the present of the Deputy Commissioner, Zone IV, Pune Municipal Corporation, on 14/6/2024, the lots were drawn and all the contractors signed the No Objection Statement for conducting the lottery. In the said lottery, respondent no.6 i.e. M/s. LVG Facility India Pvt. Ltd, was selected as L1 contractor. It is categorically stated that the entire process is video-graphed

and the petitioner did not raise any objection as regards the process followed at the relevant point of time.

In the wake of the aforesaid process followed, the work order was issued in favour of respondent no.6 on 18/7/2024 and on 23/6/2024, the contract agreement for the subject work was executed, since it was necessary to immediately give effect to the contract which was intended to deploy labour to conduct sanitary work such as sweeping and other cleaning activities within the territorial jurisdiction of Wanawadi – Remtekdi region for the year 2023-2024.

It is categorically stated that though the petitioner was allotted the contract for the earlier year i.e. 2023-2024, which came to an end on 16/5/2024. However, in the wake of the model code of conduct enforced due to the ensuing Lok Sabha Polls of 2024, no fresh tender was published and the petitioner was permitted to continue the work beyond expiry of the contract.

However, when the tender was published for the year 2024-2025, he could not have continued with the said work which was then allotted to respondent no.6.

4 Respondent no.6 has also filed its affidavit in reply, stating that in pursuance to the tender floated by Municipal Corporation, he was declared as a successful L1 bidder on 14/6/2024, and was allotted with the work. It is specifically denied that the petitioner did not satisfy with the requirements of the tender stipulations

and it is specifically submitted by the learned counsel representing respondent no.6 that through a transparent process, the work was allotted in its favour and the work order being issued in favour of respondent no.6 on 18/7/2024, which was to remain in force for a period of 365 days, since the counsel for the petitioner is not able to demonstrate any arbitrariness in the process which would warrant any judicial intervention, we refuse to entertain the Writ petition and we dismiss the same.

Easy on costs.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)