

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2025.06.11
10:43:54 +0530

WRIT PETITION NO. 1343 OF 2025

Yashashri Enterprises through its Prop.
Saroja Gopal Mohorkar

... Petitioner

V/s.

The Chief Executive Officer, Alibaug
Municipal Council, Alibaug and Anr.

... Respondents

Ms. Rekha Musale for the Petitioner

Mr. C.G. Gavnekar with Mr. Ashutosh Gavnekar and Rohit Parab for
Respondent No.1

Ms. Neha S. Bhide, G.P. with Mr. O.A. Chandurkar, Addl.G.P. with Ms. D.S.
Deshmukh, AGP for Respondent No.2

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

DATE : 10 JUNE 2025

P.C. :

1. Heard on the question of admission.
2. In this Writ Petition, the Petitioner, *inter-alia*, seeks quashment of communication dated 15 January 2025 issued by the Alibaug Municipal Council, Alibaug, by which E-Tender submitted by the Petitioner in response

to the tender notice dated 18 December 2024 has been rejected. The Petitioner, in addition, challenges the action of Respondent – Municipal Council in issuing a fresh E-Tender dated 22 January 2025.

3. Facts giving rise to filing of this Petition in nut shell are that the Chief Executive Officer, Alibaug Municipal Council issued E-Tender notice dated 18 December 2024 by which the tenders were floated for providing support services (manpower/labour) to various departments of Alibaug Municipal Council, Alibaug, Raigad. In response to the aforesaid notice inviting tender, the Petitioner submitted the technical as well as the financial bid. According to the Petitioner, the Petitioner was L1 bidder in the aforesaid tender. The Petitioner, on 15 January 2025 sent an E-mail requesting the Municipal Council (hereinafter referred to as **Council**) to issue the work order. However, instead of issuing the work order, the Petitioner, by a communication dated 15 January 2025, was held to be disqualified on the ground that the labour licence issued in favour of the Petitioner had expired. The Council cancelled the aforesaid notice inviting tender and issued a fresh tender on 22 January 2025. In the aforesaid factual background, this Petition has been filed.

4. The learned Counsel for the Petitioner submits that the terms and conditions of the notice inviting tender do not mandate the tenderer to produce the labour licence. Alternatively, attention of this Court has been

invited to the Government Resolution dated 17 September 2019 and it has been contended that in case of any discrepancy, an opportunity needs to be given to the tenderer to cure the same. It is further submitted that the tenderer is deprived of the aforesaid opportunity.

5. On the other hand, the learned Counsel for the Respondent has submitted that the action taken by the Council is in consonance with the terms and conditions of the notice inviting tender.

6. We have considered the rival submissions made on both the sides and perused the record.

7. Condition B(2)(1) of the notice inviting tender requires a tenderer to produce the labour licence. The labour licence annexed with the bid of the Petitioner had expired. Admittedly, after submission of the bid, the Petitioner applied for issuance of labour licence and has been granted labour licence on 31 December 2024. Therefore, the Government Resolution dated 17 September 2019 had no application to the fact situation of the case as the instant case is not one of any discrepancy in the submission of the bid. The Petitioner did not qualify the eligibility criteria laid down in the notice inviting tender. The decision to cancel the notice inviting tender dated 18 December 2024 and to issue a fresh E-Tender dated 22 January 2025 does

not suffer from any infirmity warranting interference of this Court in exercise of powers under Article 226 of the Constitution of India.

8. The Writ Petition fails and is hereby dismissed.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)