



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

WRIT PETITION NO.4879 OF 2025

Kanishk Water Suppliers

....Petitioner

versus

Mira Bhayandar Municipal Corporation & Ors.

....Respondents

Mr. Anand Pai i/b Ms. Kalpana D. Jain, *for the Petitioner.*

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

DATE : 01 JULY 2025.

P.C. (Per : Sandeep V. Marne, J.):

1. The Petitioner is aggrieved by his disqualification in the tender process implemented by the Respondent-Municipal Corporation for awarding contract for pruning of trees. He has accordingly challenged the technical scrutiny report dated 14 October 2024 to the extent of disqualification of Petitioner as well as declaration of eligibility of Respondent Nos.6 to 8.

2. We have heard Mr. Pai, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.

3. It appears that the Petitioner had failed to submit three mandatory documents alongwith his bid viz. (I) turnover certificate, (ii) experience certificate and (iii) copy of the MOU executed with Arborist. It is Petitioner's complaint that he was initially given time of five days vide letter dated 8 October 2024 to make good the default in production of the said three documents, but the time of five days was arbitrarily reduced to one day by subsequent communication dated 9 October 2024. It is however seen that the technical scrutiny was conducted on 14 October 2024. It is not the case of the Petitioner that he was armed with the three deficient documents and could not produce the same before Tendering Authority because of curtailment of time. If the Petitioner admittedly did not possess the three requisite documents, mere curtailment of time for submission of the said documents cannot be a ground for inteference in the impugned tender process. Petitioner has not produced copies of turnover certificate, experience certificate or copy of MOU executed with Arborist alongwith the Petition. This would mean that the Petitioner does not possess the requisite eligibility criteria stipulated in the tender documents. Petitioner ought to have submitted the said three documents alongwith the bid. He was still granted an opportunity to make good the default. It is not that the Petitioner approached the Tendering Authority on or before 14 October 2024 with the three deficient documents. We therefore find that the disqualification of the Petitioner is in order.

4. Petitioner has also sought question the eligibility of Respondent Nos.6 to 8. However, since Petitioner is unable to cross the hurdle of establishing his own eligibility, the issue of eligibility of Respondent Nos.6 to 8 becomes academic.

5. This Court also notices the fact that the tender was issued for awarding the work of pruning of trees for a period of two years. By now, half of the contract period is already over. This is yet another reason why this Court is not inclined to entertain the challenge sought to be raised by the Petitioner. Petition is accordingly **dismissed.**

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)