

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1439 OF 2024

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Mumbai Shahar Berojgar Seva	}	
Sahakari Sanstha Federation Limited	}	Petitioner
Versus		
Municipal Corporation of Greater	}	
Mumbai & Ors.	}	Respondents

Mr. Mayur Khandeparkar with Mr. Aditya Miskita,
Mr. Sanjeel Kadam, Ms. Netra Jagtap i/b. Kadam &
Co. for petitioners.

Ms. Oorja Dhond i/b. Ms. Komal Punjabi for
respondents 1 to 3.

Mr. Abhay L. Patki, Additional Government Pleader
for respondents 4 to 6 (State).

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: FEBRUARY 13, 2025

PC:

1. In this writ petition, the petitioner, *inter alia*, seeks direction to respondents 1 to 3 to withdraw the impugned notice inviting tender dated 7th March 2024, which has been issued for door to door collection of solid waste from household from slums, passage cleaning, drainage cleaning and toilet cleaning for the period of four years.

2. The principal challenge to the impugned notice inviting tender is on the ground that the same has been issued in contravention of the Government Resolutions dated 17th August 2002 and 23rd October 2002.

3. An affidavit has been filed by the Deputy Secretary, Urban Development Department, Government of Maharashtra,

wherein, in paragraphs 6 and 7, following averments have been made: -

"6. On behalf of the Urban Development Department, Government of Maharashtra, it was informed to the concerned Officers from the MCGM strictly observed and comply with the stipulations in the Government Resolution dated 17.08.2002, as well as, Circular dated 23.10.2002, issued by the Urban Development Department, Government of Maharashtra. The authorities also have been directed to submit their Compliance Report. I crave leave to refer to and rely upon the minutes of the meeting held on 03.05.2024 from the Urban Development Department, Government of Maharashtra.

7. Having regard to the contentions of the Petitioner, it is respectfully submitted that, the present Respondents are issued appropriate directions to the respective MCGM, the Planning Authority to strictly complied with the stipulations and conditions in the Government Resolution dated 17.08.2002, while executing the works as stated in the said Government Resolution. I reserved my rights to file further Affidavit."

4. Thus, from the stand taken by the Urban Development Department, it is evident that the impugned tender conditions are not in accordance with the Government Resolutions dated 17th August 2002 and 23rd October 2002. The Municipal Corporation of Greater Mumbai (MCGM) has been directed to strictly comply with the stipulations of the aforesaid Government Resolutions. The directions issued by the Urban Development Department are binding on the MCGM.

5. Learned counsel for the MCGM prays for a short adjournment.

6. List on **20th February 2025.**

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)