



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

**WRIT PETITION NO. 4032 OF 2024**

Kalyan Toll Infrastructure Ltd. ... Petitioner  
Versus  
Municipal Corporation of Greater Mumbai  
and anr. .... Respondents

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Dr Abhinav Chandrachud a/w Ms Disha Parekh, Ms Madhura Shah, Ms  
Neha Bhosale i/b. NDB Law, for the Petitioner.  
Mr Akshay Shinde a/w Ms Oorja Dhond i/b. Ms Komal R. Punjabi, for  
Respondents-MCGM.

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**CORAM : ALOK ARADHE, CJ &  
M. S. KARNIK, J.**

**DATE : 24<sup>th</sup> MARCH, 2025**

**ORDER [Per Chief Justice] :**

1. Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties, heard finally.
2. The Petitioner had participated in a tender floated by MCGM to construct tenements. The bids submitted by the Petitioner was not found to be responsive, *inter alia*, on the ground that the Petitioner has failed to comply with the requirements contained in Clause 1.1 and Clause 1.1.1 of the bid document. Learned counsel for the Petitioner at the outset submitted that the grievance in the instant Writ Petition is only confined to the refund of 10% of the earnest money. It is further submitted that bids submitted by the Petitioner had curable defects and it is pointed out

that the Petitioner had complied with the requirements contained in Clause 1.1 and Clause 1.1.1 of the bid document.

3. Learned counsel for the Petitioner submitted that no opportunity of hearing was granted to the Petitioner before forfeiture of 10% of the Petitioner's earnest money deposit. In lieu of aforesaid submission learned counsel for the Respondents submits that the Director (ES & P) of Municipal Corporation of Greater Mumbai will afford an opportunity of hearing to the Petitioner and shall pass suitable order within such time as may be fixed by this Court.

4. In view of the aforesaid submission and taking into account the fact that the order of forfeiture of 10% of the earnest money deposit has been passed without affording an opportunity of hearing to the Petitioner, in the facts and circumstances of the case, we deem it appropriate to direct the Director (ES & P) to afford an opportunity of hearing to the Petitioner and pass a speaking order. Let the aforesaid exercise be completed within a period of six weeks from today. Accordingly, the Writ Petition is disposed of.

5. There shall be no order as to cost.

**(M. S. KARNIK, J.)**

**(CHIEF JUSTICE)**