

AGK

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

PUBLIC INTEREST LITIGATION NO.109 OF 2022

Pramod Premchand Oswal

...Petitioner

V/s.

The Pune Municipal Corporation
& Ors.

...Respondents

Mr. Anil V. Anturkar, senior advocate with Mr. Ajinkya M. Udane for the petitioner.

Mr. Abhijeet P. Kulkarni for respondent nos. 1 to 4/PMC.

Mr. Mohan N. Devkude for respondent no. 19.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE: SEPTEMBER 19, 2022

P.C.:

1. The concern expressed in this PIL petition by a corporator of Pune Municipal Corporation is that Government Resolution dated 26th November 2018 in respect of performance guarantee has been thrown to the winds. Instead of insisting for the performance guarantee after the stage of identification of L-1 bidder has been reached, the Corporation has been insisting for such performance guarantee even at the time of submission of the bids.

2. It has also been brought to our notice that a particular contractor for a particular job has submitted fabricated

documents, yet, he has not been disqualified. Had such contractor been disqualified, there would have been only one qualified bidder and having regard to Government Resolution dated 1st December 2016, a re-tender ought to have been taken recourse which obviously has not been decided upon to serve vested interests.

3. The submissions advanced by Mr. Anturkar, learned senior advocate for the petitioner, as above, have been controverted by Mr. Kulkarni, learned advocate for the Corporation. According to him, the extant Government Resolution has been duly adhered to. He wishes to file a reply-affidavit to substantiate his contentions.

4. Let such reply-affidavit be filed by 21st September 2022.

5. Responding to our query, Mr. Kulkarni has conceded that work orders have not yet been issued. In such view of the matter, we restrain the Corporation from issuing the work orders till 23rd September, 2022, or until further orders, whichever is earlier.

6. The PIL petition shall be listed for further consideration on **22nd September 2022 (fairly high on board)**.

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(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)