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SLP(C)No. 7839 OF 2003
ITEM No.46

Court No. 5

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.7839/2003

(From the judgement and order dated 08/04/2003 in WP 654/03
of The HIGH COURT OF BOMBAY)

M/S. THAKKER CATERERS

Petitioner (s)

VERSUS

MUNICIPAL CORPORATION OF GR.BOMBAY & ORS

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment
and permission to submit additional document(s) & clarification)
(With prayer for interim relief)

Date : 19/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s) Mr. Ashok H. Desai, Sr.Adv.
Mr. Mahendra Ghelani, Adv.
Mr. P. Venugopal, Adv.
Mr. PS. Sudheer, Adv. for
M/s. K.J. John & Co.,Adv.

For Respondent (s) Mr. Bhim Rao Naik, Sr.Adv.
Mr. D.N. Mishra,Adv.

Mr. Sanjay Goswamy, Adv.
Mr. A.S. Bhasme,Adv.

Mr. Ravindra Keshavrao Adsure, Adv.
Mr. MK. Giri, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
Appeal is disposed of.

(S. Thapar) (V.P. Tyagi)
PS to Registrar Court Master

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.397 OF 2004
(Arising out of SLP(C)No. 7839 of 2003)

Thakker Caterers

Appellant (s)

Versus

Municipal Corporation of Gr. Bombay & Ors.

Respondent (s)

O R D E R

Leave granted.

A writ petition (No.654 of 2003) was filed in Bombay High Court by respondent No.6 challenging the renewal of contract to run a canteen which was being granted by the Municipal Corporation of Greater Bombay in favour of the present appellant. It is not in dispute that the said canteen is being run by the appellant for over three decades. While issuing Rule, in terms of the impugned order dated 8th April, 2003, the High Court directed the Municipal Corporation and its officials not to renew the contract. The High Court, however, permitted the Municipal Corporation and its officers (Respondent Nos. 1 to 4 before the High Court) to invite tenders and thereafter decide, after obtaining the appropriate figures, as to whether contract in favour of present appellant should be renewed or it should be offered to any party offering better price.

While issuing notice, this Court permitted the Corporation to call the tenders in regard to canteen in question but directed that it would not finalise the tender without further orders from the Court. The whole exercise, it is evident, is to find out the best price at which the Corporation can give the tender for running of the canteen etc. The Minutes of the Tender Committee Meeting held in the Chambers of Additional Municipal Commissioner for running the canteen have now been filed giving the details of the offer received from the appellant. The minutes show that no other tenderer had complied with the terms and conditions of the contract of the tender notice. In view of these subsequent developments, the grievance which was made before the High Court in the writ petition, has lost its significance. Therefore, we set aside the impugned order dated 8th April, 2003 and dismiss the aforementioned writ petition filed by the present respondent No.6 before the High Court. Resultantly, it would be open to the Corporation and its Officers to finalise the matter regarding renewal of the contract as they may deem fit, just and proper. The appeal is disposed of accordingly.

.....J
(Y.K. Sabharwal)

.....J
(B.P. Singh)

New Delhi,
January 19, 2004