

BEFORE THE PROCUREMENT REDRESSAL COMMITTEE
BRIHANMUMBAI MUNICIPAL CORPORATION, MUMBAI

CASE No. 009/PRC/2016.

M/s. Divya Construction Co. Appellant

V/s.

Municipal Corporation of Greater Mumbai.Respondent

QUORUM : 1. Hon'ble Dr. Justice F.I. Rebello (Retd.) Chairman
Chief Justice High Court of Allahabad

2. Shri B.P.Patil Member

ORDER

(Dated this 11th Day of August, 2016)

Shri Vidyadhar Khandkar, Deputy Chief Engineer (S.W.D.) Western Suburbs, on behalf of the Corporation makes a statement that as the Applicant is the only contractor left in the field; they are accepting his tender as a successful bidder and will further proceed according to the law. In view of this statement, Applicant seeks to withdraw his application with liberty to apply in the event the work order is not issued. The application is allowed to be withdrawn with liberty as prayed.


In the instant case, the Committee by its order dated 14th July, 2016, while granting the stay and fixing the date of hearing, had directed the Third Committee Member to be appointed.

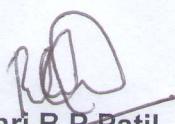
We are informed by the Registrar of the Committee that a note is received from Deputy Chief Engineer (S.W.D.) Western Suburbs, that the matter was discussed with the Additional Municipal Commissioner (Eastern Suburbs) on 09.08.2016 who took a decision that since only one competitive bidder was left, there was no need and as they have extended the validity of the tender upto 20.09.2016, the competitive bidder deserve

the tender to be allotted and hence there is no necessity to appoint Third Committee Member.

We fail to understand on what basis the Additional Municipal Commissioner (Eastern Suburbs) has taken upon himself to decide whether the Third Committee Member should be appointed or not by passing the published rules. In the instant case, there was an application received from the Applicant on the ground that his tender has not been accepted. That application was entertained by the Committee. Apart from that, once a matter has been entertained, there is no discretion in any officer not to appoint a Third Committee Member.

The Registrar to place this order before the Municipal Commissioner to ensure that in the future, no such arbitrary decision is taken at any level.


Hon'ble Dr. Justice F.I. Rebello (Retd.)
Chairman,
Procurement Redressal Committee


Shri B.P. Patil
Member
Procurement Redressal Committee