

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 322 OF 2020

K. Ismail ..... Petitioner

*V e r s u s*

State of Goa & Ors. .... Respondents

Mr. S. S. Kakodkar, Advocate for the Petitioner.

Ms. Ankita Kamat, Additional Government Advocate for the Respondent nos.1 to 5.

Mr. Pavithran AV, Advocate for the Respondent no.6.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 2<sup>nd</sup> December, 2020

P.C.

1. The learned Additional Government Advocate pointed out that an affidavit on behalf of respondent no.5 has already been filed and two weeks time may be granted for respondent no.3 to file affidavit in relation to the challenge to the circular.

2. Mr. Pavithran, learned Counsel for the successful bidder, also seeks two weeks time to file affidavit.

3. Mr. S. S. Kakodkar, the learned Counsel for the petitioner, presses for ad-interim relief.

4. In the facts of the present case, there is no dispute that the successful bidder is eligible in terms of the notice inviting tenders. There is also no dispute that the financial bid of the petitioner as well as the successful tenderer was in the same amount. The issue is only in relation to the preference on the basis of past performance. In such a situation, we do not think of granting any ad-interim relief. Grant of any ad-interim relief at this stage will only affect the work of maintenance of WSS to Cumbharjua constituency procurement and replacement of nonworking/invisible water metres in V. P. Corlim.

5. The petitioner's application for interim relief can always be considered after the replies are filed by the respondents. Two weeks time is granted to

the respondents to file their replies. In case the petitioner wishes to file any rejoinder, the petitioner will do so.

**6.** The matter is now posted on 04.01.2021 for further consideration.

**M. S. JAWALKAR, J.**

**M. S. SONAK, J.**

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