

Gujarat High Court

Self Employed Women'S ... vs State Of Gujarat & on 25 January, 2017

C/SCA/1367/2017

ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 1367 of 2017

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SELF EMPLOYED WOMEN'S ASSOCIATION & 2....Petitioner(s)
Versus
STATE OF GUJARAT & 1....Respondent(s)
=====

Appearance:

MR MIHIR JOSHI, SENIOR ADVOCATE with MS TANAYA G SHAH,
ADVOCATE for the Petitioner(s) No. 1-3
ADVANCE COPY SERVED TO GP/PP for the RESPONDENT(s) No. 1
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CORAM: HONOURABLE MS.JUSTICE HARSHA DEVANI
and
HONOURABLE MR.JUSTICE A.S. SUPEHIA

Date : 25/01/2017

ORAL ORDER

(PER : HONOURABLE MS.JUSTICE HARSHA DEVANI)

1. The learned advocate for the petitioners has tendered draft amendment. The amendment is allowed in terms of the draft. The same shall be carried out forthwith.

2. Mr. Mihir Joshi, Senior Advocate, learned counsel with Ms. Tanaya Shah, learned advocate for the petitioners invited the attention of the court to the provisions of the Solid Waste Management Rules, 2016 and more particularly, sub-rules (18), (28), (30), (34), (46) and (58) of rule 3 thereof as well as rules 11 and 15 thereof to point out that the rules contemplate integration of waste pickers in the system of waste HC-NIC Page 1 of 2 Created On Thu Jan 26 02:58:44 IST 2017 C/SCA/1367/2017 ORDER management. The attention of the court was invited to the conditions of the impugned tender notice to point out that the same provides for experience certificate of five years for door to door garbage collection, financial reports of last seven years and annual turnover equivalent to or more than Rs.4.38 crores for door to door/ gate garbage collection work and a bank solvency of Rs.2.92 crores as well as to own 25% of the total vehicles separately for each group, etc. It was pointed out that the bidder is further required to submit an Earnest Money Deposit of Rs.25 lakhs for each group separately. It was submitted that thus, the tender conditions completely

corporatise the system of collection of waste management contrary to the rules and completely exclude the waste pickers from being integrated in the system. It was submitted that the conditions have been tailor-made to exclude fair competition.

3. Having regard to the submissions advanced by the learned counsel for the petitioners, Issue Notice returnable on 1st February, 2017. Ad-interim relief is granted in terms of paragraph 9(III) of the petition.

Direct service is permitted today.

(HARSHA DEVANI, J.) (A. S. SUPEHIA, J.) zgs HC-NIC Page 2 of 2 Created On Thu Jan 26 02:58:44 IST 2017