

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2742 OF 2015

SumConcepts Technologies Pvt Ltd

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. Vinod Patil advocate for the petitioner

Mr. S.G. Kadam AGP for Respondent No.1

Mr. K.C. Sant advocate for respondent No.6

Mr. Maheshkumar Sonawane for respondent Nos.2 & 3

CORAM : R.M. BORDE &
V.K. JADHAV, JJ

Dated : 30th March, 2015.

PER COURT :-

1 It is not a matter of dispute that, the work order has already been issued in favour of respondent No.6 and the said respondent has provided necessary softwares in pursuance to the order placed by respondent Zillha Parishad. The period for completion of tender work was stated to be 20.3.2015, which period has already expired as such, in our view, no interference is called for in the petition.

2 The petitioner has urged that, the respondent Company is guilty of presenting fabricated document along with the tender form which itself shall be a ground for rejecting the tender offer of concerned respondent. The petitioner has invited our attention to clause 20 contained in the tender conditions, where under, it has been prescribed that the 'e'-learning curriculum shall be recognized

by either Maharashtra State Educational Research & Training Institute, Pune or Primary Education Department or Balbharti. The certificate produced by respondent No.6 along with his tender offer is allegedly to be false and fabricated. The petitioner has placed reliance on information supplied by Maharashtra State Education, Research & Training Institute, Pune on 3.2.2015 in response to a query made by the petitioner under Right to Information Act that, the certificate on which reliance is placed by respondent No.6 has not been issued by the concerned institute and further that the concerned institute has not recognized any 'e'-learning programme of respondent Company.

3 An affidavit in reply has been tendered on behalf of respondent Zillha Parishad. Reliance is placed by respondent on the communication issued by the Educational Institute, Pune on 11.3.2015, clarifying that, the certificate tendered on record by respondent No.6 along with his tender offer, cannot be construed to be a certificate and it is merely informal letter issued in favour of said Company and same has been signed by the Deputy Director of the institute. In view of the explanation tendered by the concerned institute, the objection raised by the petitioner, as regards the fabrication of the record, by the respondent No.6 does not hold good.

4 Objection is also raised by the petitioner in respect of the work order, alleged to have been issued by the Rotary Club, which is part of the tender document compilation, submitted by respondent No.6. It is the contention of the petitioner that, the Rotary Club did not place any order with respondent No.6 and as such the document is fabricated. On consideration of the tender conditions, it does appear that, there is no requirement prescribed in respect of past experience. It is also informed that, the alleged fabricated letter has not been considered, while submitting the tender document of respondent No.6, since the past experience was not the requirement.

5 In this view of the matter and since work order has already been executed, we do not deem it necessary to entertain the petition.

6 For the reasons recorded above, in exercise of extraordinary jurisdiction under article 226 of the Constitution, no interference is called for in the petition.

7 Petition stands rejected.

(V.K. JADHAV, J)

(R.M.BORDE, J)