

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10471 OF 2015

M/S RUSHIKESH CONSTRUCTIONS THROUGH ITS PROPRIETOR
RADHAKISHAN GHODILE
VERSUS
THE UNION OF INDIA AND OTHERS

...
Advocate for Petitioner : MR. Nirmal R.J.
AGP for Respondents: Mr. P.S. Patil
Asst Solicitor General Of India for respondent No.1 to 3: Mr.S.B. Deshpande

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: October 26, 2015

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PER COURT :-

1 The tender offer submitted by the petitioner was rejected mainly on the ground that, the petitioner does not have registration of composite category, nor has tendered an application through the composite category for registration and the second ground for rejection is, not furnishing of FDR of requisite specifications.

2 It is not a matter of doubt that, the petitioner has tendered a scanned copy of FDR, drawn on Saraswat Cooperative Bank Limited. The aforesaid bank is not enlisted in the scheduled banks or the bank with whom the respondent department has business transactions. The petitioner tried to tender a demand draft of HDFC bank, on the next day and according to him, acknowledgment has also been received.

3 Since the matter relates to E-tendering process, the subsequent intervention in the process is impermissible. The respondents, were justified in turning down the tender application on the ground that, the same does not answer the requisite specifications. It is also the contention of the respondent that, the affidavit tendered by an Electrical Contractor, who is associated with the petitioner, is not in prescribed proforma and does not disclose necessary details. On the ground of not having composite category registration also, the petitioner does not clarify the tests laid down under the tender conditions.

4 In this view of the matter, no interference is called for and writ petition stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)