

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1810 OF 2015

Rashmi Metaliks Limited	Petitioner
versus	
Maharashtra Jeevan Pradhikaran & others	Respondents

Mr.B.K.Ashok with Ms.Farzana Khan i/by Bekay Legal for
Petitioner.

Mr.A.R.Pitale for Respondent Corporation.

Mr.P.G.Lad, AGP for State.

CORAM : MOHIT S. SHAH, C.J. AND
A.K.MENON, J.

DATE : 15 July 2015

PC :

In this petition under Article 226 of the Constitution of India, the petitioner company challenges the apprehended rejection of the petitioner's technical bid in the matter of E-Tender for a particular class of pressure pipes. The petitioner apprehends that the petitioner will be disqualified at the time of consideration of the technical bid on the ground that the petitioner has been blacklisted by the Government of West Bengal in the past. The relevant condition in the tender notice prescribing the pre-qualification criteria is as under :

"v. Bidder should not be Black Listed by Government of India or its undertaking organization or any State Government or its undertaking organization or any government local body in the past or during the period of this tender acceptance."

2. Learned counsel for the petitioner submits that blacklisting by another organisation cannot be a ground for disqualifying the bidder who may otherwise be eligible to bid.

3. Learned counsel for the petitioner places reliance upon an order dated 26 August 2014 of a learned Single Judge of High Court of Judicature at Hyderabad in WP MP No.30902 of 2014 in WP No.24678 of 2014, which petition was filed by the present petitioner. Having gone through the said order, we find that what was challenged in the petition before the Andhra Pradesh High Court was a part of the condition in the tender notice providing that a tender by a person against whom any criminal case is pending at the time of submitting the tender will be summarily rejected. The Andhra Pradesh High Court passed an interim order taking a prima facie view that mere filing of an FIR without filing of any charge sheet or conviction, should not result into disqualification of a bidder.

4. In the instant case, the petitioner's apprehension is regarding his disqualification on the ground that the petitioner

has been blacklisted by the Government of West Bengal, which order of blacklisting the petitioner has been challenged in the Calcutta High Court.

5. Since the order of West Bengal Government blacklisting the petitioner is still pending for final adjudication, we are of the view that the petitioner is not entitled to any relief at this stage. On this short ground alone, we dismiss the petition with no order as to costs.

(CHIEF JUSTICE)

(A.K.MENON, J.)

MST