IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5469/2015
M/s Black-Belt Security Force through its Proprietor Shri Jitendra s/o Tulshiram Mhaiskar
...Versus...
The State of Maharashtra, through its Secretary, Law and Finance Department, Mantralaya, Mumbai – 400032 and others

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Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

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Shri P.S. Sahare, Advocate for petitioner
Ms T.H. Udeshi, AGP for respondent nos.1 to 4

CORAM : SMT. VASANTI A. NAIK AND PRASANNA B. VARALE, JJ.
DATE : 17.12.2015

By this petition, the petitioner seeks a declaration that the allotment of the contract to the respondent no.5 in pursuance of the e-tender for supply of manpower (clerk-typist) is bad in law.

In pursuance of an e-tender issued by the respondents on 22.7.2015 for supply of manpower (clerk-typist), the petitioner as well as the respondent no.5 had submitted the bid along with the other bidders. The respondent nos.1 to 4 accepted the bid of the respondent no.5 and awarded the contract in terms of the e-tender in favour of the said respondent. The petitioner has challenged the allotment of the contract in favour of the respondent no.5, in the instant petition.

According to the petitioner, as per condition no.1.14 of the e-tender, which relates to the submission of bids, a technical bid was required to contain a scanned copy of several documents, one of which was a proof of registration under the Profession Tax Act, 1975 and No Dues Certificate from the Profession Tax Officer. It is submitted that though the respondent no.5 had not tendered any proof of registration under the Profession Tax Act, 1975 and No Dues Certificate from the Profession Tax Officer, the respondent nos.1 to 4 had wrongly accepted the bid of the respondent no.5. It is submitted that the allotment of the tender in favour of the respondent no.5 should be set aside and the bid of the petitioner should be considered along with the other bidders.

Ms Udeshi, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 to 4 submitted that the only ground canvassed on behalf of the petitioner for challenging the allotment of tender in favour of the respondent no.5 is baseless, inasmuch as the respondent no.5, which is Company from Chennai had produced a scanned copy of the registration under the Profession Tax Act from Chennai and had also submitted the copy of the No Dues Certificate. It is submitted that after the respondent nos.1 to 4 decided to accept the tender of the respondent no.5, the respondent no.5 was directed to give the No Dues Certificate and proof of registration under the Profession Tax Act from the Maharashtra State, in addition. It is submitted that the technical bid of the respondent no.5 contained all the necessary documents that were required under condition no.1.14.2 and the claim of the petitioner is liable to be rejected.

On hearing the learned Counsel for the parties and on a perusal of the conditions of the e-tender, it appears that the only ground raised on behalf of the petitioner for challenging the allotment of tender in favour of the respondent no.5 cannot be accepted. Clause 19 of condition no. 1.14.2 states that it requires proof of registration under the Profession Tax Act and No Dues Certificate from the Profession Tax Officer. It is not specified in this clause that the registration under the Profession Tax Act and the No Dues Certificate should be from the Maharashtra State only. In the absence of requirement of the documents from a particular State, the respondent no.5 cannot be blamed for producing the registration under the Profession Tax Act, 1975 and No Dues Certificate from the State of Tamil Nadu, where the office of the respondent no.5 – Company is located. Additionally, since the respondent no.5 was directed to give the relevant certificate from the State of Maharashtra, the respondent no.5 produced the necessary documents. The copy of the professional tax certificate issued by the Profession Tax Officer Registration Branch, Mumbai is annexed to the affidavit-in-reply filed on behalf of the respondents – Authorities. We do not find any illegality in the action on the part of the respondent nos.1 to 4 in accepting the bid of the respondent no.5 and awarding the tender to it.

Since there is no merit in the only submission made on behalf of the petitioner, we dismiss the writ petition with no order as to costs.

JUDGE **JUDGE**