

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3839 OF 2016

Ashish Subhash Agrawal

Petitioner

Versus

State of Maharashtra & others

Respondents

Mr.Shrikant Patil, advocate for the petitioner.

Mr.A.R.Kale, AGP for Respondents No.1 to 4.

Mr.S.S.Choudhary, advocate for Respondent No.5.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.**

DATE : 01st July, 2016

PER COURT:

1 It is contended on behalf of Respondents that the tender work was allotted in the month of April 2016 and the period prescribed for completion of tender work is six months. It is informed that the tender work has almost been carried out and as such, no useful purpose would be served in entertaining the petition.

2 It has been vehemently contended on behalf of the petitioner that tender process has not been followed properly by Respondent No.4. It is contended that in response to the tender notice, six tender documents were received and during scrutiny of tender documents, except the successful bidder i.e. Respondent No.5, all other tenderers were disqualified.

3 It is contended that there are certain guidelines issued

by the Chief Vigilance Commission (CVC) in respect of observance of tender process by the public authorities. It is contended that there was no proper competition since other tender applicants, except one, were held to be disqualified. It has been informed that as per the guidelines issued by the Chief Vigilance Commission, there shall be at least three valid tender applicants and the successful tenderer shall have to be amongst at least three successful bidders. In the instant matter, the guidelines issued by the Chief Vigilance Commission, which are of mandatory character, appeared to have been flouted.

4 The Chief Engineer, Public Works Department, Nasik Division, Nasik, shall hold an inquiry in respect of tender process conducted by Respondent No.4 and shall take appropriate steps, if any procedural violation is noticed.

5 In view of the above direction, writ petition stands disposed of.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE