

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3450 OF 2013

SHRI SAI RAM MAHILA BAHUUDDESHIYA SANSTHA,
BHUSAWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Murkute J.M.
AGP for Respondent no.1: Mr.A.P.Basarkar
Advocate for Respondents :Mr.Goyanka M.K.for R.3.
Adv.Mr.S.A.Pradhan for R.4.

...

CORAM : S.V.GANGAPURWALA &
A.M.BADAR,JJ.

DATED : 16TH FEBRUARY,2016

PER COURT :-

The petitioner assails the selection of respondent no.4 in the tender process for running canteen at new bus stand Jalgaon. The said selection is held on 7/2/2013. The period of contract for running the canteen as per the tender is 5 years i.e. from 1/5/2013 to 30/4/2018. Almost three years have lapsed. Though the matter is filed in the year 2013 and notice is issued in April, 2013, thereafter the matter is not moved.

2] The case of the petitioner is that he had quoted the highest price i.e. Rs.1,17,911/-, whereas, the bid of respondent no.4 was lowest i.e. Rs.81,000/- and the tender ought to have been allotted to the petitioner.

3] Mr.Goyanka, learned counsel for M.S.R.T.C. submits that as per the terms and conditions of the tender, the person applying should have necessary experience, so also the financial capabilities. The petitioner has registered only 3 months prior to the floating of tender. Even no documents were filed with regard to its financial capabilities. The petitioner did not have any experience, whereas, respondent no.4 is having experience of running various eating houses for more than 10-12 years and also had financial capability. The valuation of his properties is almost 15 crores. After considering all the said aspects, the tender of the respondent no.4 is accepted and contract is given to him and the same is continuing.

4] Even otherwise, the Court should be slow in interfering with the allotment of tender unless malafides are shown or the allotment is in gross violation of the terms and conditions.

5] No such gross violation appears nor any malafides can be attributed in the allotment of the tender.

6] In view of the aforesaid aspect of the matter, Writ Petition is dismissed. No costs.

(A.M.BADAR,J.)

(S.V.GANGAPURWALA,J.)

umg/