

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 WRIT PETITION NO. 7131 OF 2016

M/S BALAJI TRADING COMPANY THROUGH ITS SOLE PROPRIETOR
BALAJI PANDURANG CHALLAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Chavan Sudhir K.

AGP for Respondents: Mr. V. M.Kangne

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

DATE : 5th July, 2016

ORDER:

1. Heard learned counsel for the respective parties.

2. The petitioner is objecting the action of the respondents disqualifying the Tender of the petitioner during the tender process and rejected his Tender offer. It was disclosed on 18.06.2016 and admittedly communicated to the petitioner with reasons on 21.06.2016.

3. The Tender submitted by the petitioner has been disqualified for the reason that there are discrepancies in the name and description of the firm in the Income Tax Returns placed on record by the petitioner alongwith Tender application. There were about seven Tender offers received in response to the

E-Tender notice, out of which four Tenderers are considered qualified and financial bids of those qualified offers are evaluated. As per the programme prescribed under the E-Tender Notice, technical bid was to be opened on 15.06.2016, whereas the date of opening of financial bids was the same day at 2 O'clock. The petitioner has approached this Court by the instant petition after finalization of whole process of Tender.

4. There does not appear to be any malafide intention on the part of the Tendering Authority. The powers under Article 226 of the Constitution are required to be exercised sparingly. In the contract matters, no interference is required unless the action is malafide or intended to favour somebody or there is loss of public finance.

5. In the instant matter, no case is made out for causing interference by this Court in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Writ petition stands dismissed.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC