

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10123 OF 2015

M/S ASHT BHUJA FIRE SAFETY AND MULTI SERVICES AND
ENTERPRISES THROUGH ITS PROPRIE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. B. K. Patil.
AGP for Respondent Nos.1 to 3 : Mr. P. S. Patil.
Advocate for Respondent No.4 : Mr. S. B. Kadu.

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**CORAM : A. V. NIRGUDE &
V. L. ACHLIYA, JJ.**

DATE : 31ST MARCH, 2016.

PER COURT:

1] Heard. Perused the petition and reply thereto. We are not inclined to admit this petition. Subject matter of petition pertains to tender invited by respondents, in which the participants were asked to submit two bids namely; technical and financial bid. In technical bid, the participants were directed to submit amongst other documents, Income Tax Returns of previous year.

2] The petitioner submitted all the documents and technically he was alone qualified to consider his financial bid. The others did not submit Income Tax Return and therefore, the bids of all other persons technically deserve rejection, still the respondent no.3 opened all the technical bids and finally awarded contract to respondent no. 4. At the eleventh hour the respondent no.3 relaxed one of the conditions put in the technically bid and permitted three other bidders to compete with the petitioner. The financial bid of

respondent no. 4 was found to be suitable for awarding contract. The learned counsel for the petitioner contended that, even bid of the respondent no.4 was defective as they did not quote minimum wages as per the law and salary mentioned in their bid was less than minimum wages to be payable under Minimum Wages Act.

3] In view of submissions advanced by learned counsel for the petitioner, it is not desirable to entertain this petition and stop the work which they have already given to respondent no.4. The first and foremost reason to refuse to interfere with the decision of respondent no.3 is that, objections are merely technical in nature and no *mala fides* are alleged. Secondly, the contract is of only two years, which is in respect of sweeping and scavenging involving about 12 daily wagers and work is already allotted. No case is made out to exercise powers of judicial review under Article 226 of the Constitution of India. The work is already started and almost six months is already over. Thus, we are not inclined to admit this petition. The writ petition stands dismissed.

[V. L. ACHLIYA]
JUDGE

[A. V. NIRGUDE]
JUDGE

Tandale/-