

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12301 OF 2016

Mauli Construction

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.S.G.Jadhavar, advocate for the petitioner
Mr.S.P.Tiwari, A.G.P. for Respondents No.1 to 4.

**CORAM : R.M.BORDE &
SANGITRAO S. PATIL, JJ.
DATE : 14th December, 2016**

PER COURT:

The petitioner is raising an objection to the action of acceptance of bid of Respondent No.5 during the tender process initiated by Respondent – Public Works Department.

2 The petitioner contends that the successful bidder did not comply with mandatory requirements prescribed in the tender document i.e. submission of valid Registration Certificate. According to the petitioner, the Registration Certificate submitted by the successful bidder was not valid on the date of opening of first envelope i.e. technical bid. The Registration Certificate issued in favour of successful bidder was valid up to 05.10.2016. The relevant condition i.e. clause 3.6.3 prescribed in the tender document requires a bidder to submit scanned copy of Certificate in Original as a registered contractor with the Public Works Department, Government of Maharashtra in appropriate class, as may be applicable.

3 In the instant matter, the successful bidder i.e. Respondent No.5 did submit scanned copy of original Registration Certificate, which was valid on the date of tender. There is no further stipulation, in that respect, in the tender conditions. As such, objection raised by petitioner, in the instant petition, is devoid of substance.

4 Apart from this, the successful bidder has quoted lesser rate i.e. financial bid of the successful bidder - Respondent No.5 herein is more competitive than that of the petitioner. As such, financial interest of the State is not affected. Therefore, in view of the judgment of the Hon'ble Supreme Court in the matter of **Raunaq International Ltd Vs. I.V.R. Construction Ltd.**, (1999) 1 SCC 492, no interference is called for. Petition is devoid of substance.

5 Writ Petition stands dismissed.

(SANGITRAO S. PATIL)
JUDGE

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(R.M.BORDE)
JUDGE