

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5168/2016

Birsa Munda Adivasi Sushikshit Berozgar Seva Sahakari Sanstha, Mydt.
Lendzari, Tq. Tumsar, District : Bhandara, through its President

...Versus...

Project Officer, Ekatomik Adivasi Vikas Prkalpa Bhandara, District Bhandara and
another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Paliwal, Advocate for petitioner
Shri A.M. Balpande, AGP for respondents

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 18.11.2016

By this petition, the petitioner seeks a direction to the respondents to issue corrigendum to the E-tender notice No.3/2016-17, thereby providing for exemption from payment of security deposit, as per Government Resolution, dated 17.8.2002.

The learned Assistant Government Pleader appearing for the respondents states that the petition is misconceived. It is stated that in the tender notice, that is, challenged by the petitioner in the instant petition, it is clearly mentioned that the Societies, like the petitioner, would not be required to make the security deposit. It is stated that since the condition is already incorporated in the tender notice, the petitioner ought to have submitted the tender, but the petitioner did not submit the tender as per the E-tender process.

We find much force in the submission made by the learned Assistant Government Pleader that the petition is misconceived as the petitioner did not notice the existence of Clause No.15 in the E-tender notice, which clearly provides that it would not be necessary for the Adiwasi Sansthas, Bachat Gats etc. to make the security deposit. Since the condition, that is, sought to be incorporated by the petitioner in the tender already finds place in the tender, the writ petition is liable to be dismissed.

The writ petition is, therefore, dismissed as such with no order as to costs.

JUDGE

JUDGE

Wadkar