

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.1095 OF 2016

ORDER:

Heard.

The petitioner questions the impugned corrigendum dated 05.01.2016, whereunder the tender called for by respondents 2 to 5 was cancelled.

The petitioner states that tender was called for on 17.12.2015 under Tender Reference No.84503. The petitioner states that he has participated in the tender and quoted their bid. As per evaluation summary, dated 05.01.2016 the petitioner was the lowest tenderer. Accordingly, the petitioner engaged 29 persons for 100 days to carry out the work. However, the impugned corrigendum was published by respondents 2 to 5 cancelling the tender notification. Hence, that is questioned in this writ petition.

Learned Assistant Solicitor General on instructions submitted that the scope of works under the subject tender covers services to be provided up to 31.03.2016 as the sanctions are made financial year-wise. Since there was no sufficient time left, tender was cancelled by the impugned corrigendum. It is also stated that the 5th respondent does not bind himself to accept the lowest or any other tender.

Even assuming the averments of the affidavit as correct, the petitioner was merely declared as L1-Vendor and no work was awarded to him. As such no rights of the petitioner fructify merely by its status as L1-vendor in the tender, and unless the work is awarded to it, it cannot be said that any of such rights are infringed by cancelling the tender.

I therefore, do not see any tenability under challenge to the impugned corrigendum under which tender was cancelled. It is also well settled that it is open for the authority calling for tenders to cancel a tender without assigning any reasons. Hence, I do not see any reason to interfere. However, as and when tender is called for afresh, the petitioner is free to apply in response thereto.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

09.02.2016
kvrm

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

-
-
-
-

W.P.No.1095 OF 2016

kvrn