

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

941 WRIT PETITION NO. 11724 OF 2016

ENGINEERS ENTERPRISE THROUGH ITS PROPRIETOR SUNIL
CHANDRAKANT RATNAPARAKHI
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioners : Mr.H.V. Tungar
ASG for Respondent 1 : Mr.S.B. Deshpande
Advocate for Respondents 2 to 4 : Mr.Alok Sharma
Advocate for Respondent 7,9 & 10 : Mr. A.R. Kale

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : February 24, 2017.

ORDER :

The petition is filed for giving directions to respondent - Bharat Sanchar Nigam Limited (B.S.N.L.) to reject the bids of respondent Nos. 5 to 10. Both the sides are heard.

2. By publishing tender notice, B.S.N.L. had invited tenders for laying optic fiber cables. The value of the work was different for different works. The bidders were expected to send the bids online and some documents mentioned in the tender notice were to be supplied directly. The submissions made show that there were two parts in the tender process. After

getting clearance of technical bids, the financial bids were to be considered and two different dates were kept for opening these two portions. The bidders were expected to remain present at the time of opening of technical bid and the date was fixed as 26.8.2016. The submissions made show that the bids sent by all the bidders were accepted for technical purpose. The present petitioner did not take objection against respondent Nos. 5 to 10 when the technical bids were opened and he filed objection first time on 26.9.2016.

3. The learned counsel for petitioner submitted that the technical bids of respondent Nos. 5 to 10 ought to have been rejected as they were not complying with the conditions laid down in the tender notice. He drew the attention of this Court to some documents, which according to him, were prepared, though not submitted along with the tender by the respondents. He tried to show that in the report prepared by Chartered Accountant, the amount of turn-over was shown different, but the certificate issued by the authority for small scale industries show different figure. On

this, the learned counsel for B.S.N.L. submitted that B.S.N.L. was interested in getting figures which are from Chartered Accountant and accordingly, the figures are considered by B.S.N.L. In view of this submission, this Court holds that it is not necessary to consider the contention that there are some other figures in respect of turn-over of these respondents. If the minimum turn-over is considered, it is not disputed that the respondents were complying with the said condition. In view of these circumstances, the contention that probably false record was created, cannot be considered in the present matter.

4. It was submitted by the learned counsel for petitioner that respondent Nos. 9 and 10 had not submitted the bids online. Learned counsel for B.S.N.L. submitted that this submission is not correct and they had also submitted the bids online.

5. It appears that in financial bid, the present petitioner quoted highest rate and due to that, his financial bid came to be rejected. It can be said that

the petitioner wants to see that the bidders, who got work, do not get the work and for that the petitioner is trying to find some faults in tender process. As the aforesaid submissions show that the factual aspects are involved and there are some disputed facts, this Court holds that it is not desirable to interfere in the matter by using extraordinary jurisdiction. The submissions made by the learned counsel for petitioner that in other districts, the technical bids, which were similar to the technical bids of respondent Nos. 5 to 10 were rejected, need not be considered as in the present matter all the bids were accepted. In the result, the petition stands dismissed.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

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