

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NOS.12341 OF 2016,
WITH
WRIT PETITION NO.12342 OF 2016
WITH
WRIT PETITION NO.12343 OF 2016

M/s Shivam Constructions, Prop. Mr. Shriram Prabhalkar
Munde. ...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri Mohanish V. Thorat, Advocate for petitioners.

Shri A.R. Borulkar, AGP for respondent/State.

.....

CORAM: V.M. KANADE &
SANGITRAO S.PATIL, JJ.
DATE: 05.01.2017

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] The petitioner is aggrieved by the decision taken by the respondent nos.3 & 4 in not accepting the tender bid given by the petitioner on the ground that it does not fulfill the eligibility criteria, which is mentioned in the tender notice. Our attention is invited to the check-list, which is examined by the respondent no.4. It is submitted that so far as column nos.17 and 18 are concerned, the respondent no.4 has arrived at a

conclusion that the bid capacity and the minimum annual financial turnover during the last five years is not in accordance with the criteria laid down by the respondent no.4. It is submitted that the calculation made by the respondent no.4 is incorrect. It is submitted that in fact, the petitioner fulfills the said criteria.

3] It will not be possible for this Court to accept the submissions made by the learned counsel for the petitioner. This Court cannot go through the disputed questions of fact while exercising writ jurisdiction. More over, we are told that the tender process is almost over, but the work order is not issued.

4] In our view, the petitions can be conveniently disposed of by directing the respondent no.4 to consider the case of the petitioner after giving the petitioner hearing within one week and thereafter pass appropriate order on merits and in accordance with law. We direct that the work order shall not be issued for a period of two weeks. The petitions are disposed of accordingly. No costs.

(SANGITRAO S.PATIL, J.)

(V.M. KANADE, J.)