

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14905 OF 2017

Tushar Ramesh Mahajan

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Kishorkumar B. Borde, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for the Respondent No. 1.

Ms. Sneha Kamble, Advocate h/f Shri S. V. Adwant, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 20TH DECEMBER, 2017.

FINAL ORDER :

. Mr. Borde, the learned advocate for the petitioner submits that, the rejection of the petitioner's technical bid was erroneous and illegal and does not stand to reason. The petitioner has deposited E.M.D. amount and also the document fees. Even the fresh tender floated did not mention that the E.M.D. and document fees has to be deposited again. The learned counsel submits that, even otherwise the respondent No. 4 is not qualified, still it's financial bid is opened. It does not have necessary financial capability.

2. Miss Kamble, the learned advocate for respondent Nos. 2

and 3 submits that, the petitioner has submitted E.M.D. and the document fees for the first tender process. Said tender process was cancelled and the tenders were floated again on 29.11.2017. Along with this tender the petitioner has not submitted E.M.D. and document fees. The learned counsel further submits that, the respondent No. 4 is not a lowest bidder and it is second lowest bidder and it is not in the race.

3. We have also heard the learned Assistant Government Pleader for the respondent No. 1.

4. The petitioner has not deposited E.M.D. and the document fees when second tender on 29.11.2017 was floated.

5. Even otherwise, the respondent No. 4 is not lowest bidder and lowest bidder is some one else, who is not party to the present proceeding. The petitioner does not appear to be lowest bidder.

6. In the light of the above, no case for interference is made out. The writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]