

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 331 OF 2017

M/S. ROSMERTA AUTOTECH
TECHNOLOGIES PVT. LTD., THR. ITS
AUT. REP., MR. PANKAJ MADAN.,

... Petitioner

Versus

STATE OF GOA, REP. THR. ITS
SECRETARY TO GOVT. DEPT OF
TRANSPORT AND ANR.,

... Respondents

Mr. Rajneesh Naik, Advocate for the Petitioner.
Mr. D. Lawande, Advocate General with Mr. R. Shivolkar, Addl.
Government Advocate for the Respondent no. 1.
Mr. Shivan Desai, Advocate for the Respondent no. 2.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 12th April, 2017

P.C.

Heard Mr. Naik, learned Counsel appearing for the Petitioner
and Mr. Shivan Desai, learned Counsel appearing for the
Respondent no. 2.

2. The challenge in the above Petition is to the technical
qualifications of the successful tenderer which was accepted on
14.07.2016 which led to the consequent allotment of the work on
16.11.2016.

3. The learned Counsel appearing for the Petitioner though
contends that as on the date of the tender notice, the successful

tenderer was not technically qualified as he did not have the requisite sanctions, nevertheless, accepts the position that before the bid was accepted, the successful tenderer met the technical requirements. It is also not in dispute that the Petitioner also did not meet the requirements and a relaxation was given to the Petitioner as well as the successful tenderer to meet the requirements before the opening of the financial bid.

4. Mr. Shivan Desai, learned Counsel appearing for the Respondent no. 2, has also pointed out that the tender was for 327 buses belonging to the Respondent no. 2 and the work in respect of 177 buses has already been complete.

5. In such circumstances, without going into the merits of the rival contentions, the question of entertaining the above Petition at this stage would not arise at all as it is barred by gross delay and laches.

6. The Petition stands dismissed accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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