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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11807 OF 2016

AAA Technologies Pvt. Ltd.

.. Petitioner

Vs.

1. Kolhapur Municipal Corporation & ors.

.. Respondents

Mr. P. J. Thorat for petitioner.

Mr. A. M. Adgule for respondents.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

FEBRUARY 20, 2017.

P.C.

1. The respondents-Corporation issued tender for IT Security Audit Review / Application Review/ I.T. Infrastructure Review for the KMC E-Governance Project on 15/5/2015. Petitioner participated in the said tender process. Petitioner was successful bidder, as tender offer was accepted on 23/9/2015. The respondents submit that they got information that the petitioner had carried out the same work for Sangli-Miraj Kupwad Municipal Corporation for Rs.55,21,000/- and, therefore, respondents sought explanation as to why the petitioner quoted higher amount for carrying out the subject work.

2. Thereafter, a second price bid was issued by the respondents, where 11 persons participated . The petitioner did not participate in the same. One Suma Soft Pvt. Ltd. was found to be lowest bidder in the second price bid. In the interest of Corporation, it was decided to accept the bid of Suma Soft Pvt. Ltd. It is submitted that there was a difference of Rs.84 lakhs between the price earlier quoted by the petitioner and Suma Soft Pvt. Ltd. The issue was placed before the Standing Committee and consequent to the resolution, it was informed to the petitioner by communication dated 11/4/2016 that its bid stood cancelled.

3. The second price bid was issued on 17/11/2015. The petitioner's bid stood cancelled on 11/4/2016. On 30/4/2016 work order was issued in favour of Suma Soft Pvt. Ltd. This petition was filed on 4/10/2016,

4. Learned counsel for the petitioner submits that while the first tender offer was accepted, the Corporation had no authority to issue a second price bid for whatever reasons stated by the Corporation. The petitioner did not participate in the second bid process.

5. Learned counsel for the respondents places reliance on the affidavit filed on behalf of the Corporation. It is submitted that in the interest of the Corporation, second price bid was called for. It was noticed that the petitioner's tender offer was accepted at a higher price. Therefore, to save public money and in the interest of Corporation, it was decided to go for a second price bid. The learned counsel for the Corporation submits that now under the work order, Suma Soft Pvt. Ltd. has completed the subject work.

6. We have perused the record, considered the submissions advanced. In the facts, we find, at this stage, that the Corporation was of the view that it would not be in the interest of the Corporation to go ahead with the tender, after acceptance of the tender of the petitioner. It seems that the Corporation decided to call for offer to assess the appropriate bid for the work stated in the tender. Therefore, a second price bid was called for by initiating a fresh process.

7. There are subsequent developments in the matter. The subject work was got completed from Suma Soft Pvt. Ltd. under the work order

issued on 30/4/2016. It is submitted that the Corporation saved Rs.84 lakhs in the process.

8. In the facts, we find that no interference is warranted in exercise of writ jurisdiction at this stage. However, the petitioner is at liberty to resort to an alternate remedy as permissible in law. We do not express any opinion on the plea raised by the Corporation.

9. Petition is disposed of accordingly.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)