

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

954 WRIT PETITION NO. 3919 OF 2018

SAPNA ENTERPRISES, THROUGH ITS PROPRIETOR -
BALASAHEB BHAGWAT MUNDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.S.S.Thombre

AGP for Respondent No.1 : Mr.S.S.Dande

Advocate for Respondent No.2 : Mr.N.B.Suryawanshi

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CORAM : R.M.BORDE AND

K.K.SONAWANE, JJ.

DATE: 20th April, 2018

PER COURT:-

1. The petitioner is objecting to the rejection of his tender offer by the Respondent Corporation on account of his failure to furnish Additional Security Deposit (Performance Security).

2. Clause 21 of the Tender Notice prescribes payment of Additional Security Deposit (Performance Security). It is provided that if the tenderer quotes the offer below the estimated rates prescribed in the Tender Notice, the tenderer shall have to submit Additional Security Deposit (Performance Security) in the form of Demand Draft from Nationalized or Scheduled Bank

in favour of the Maharashtra State Warehousing Corporation, Pune.

3. The learned counsel appearing for the petitioner states that the tender offer furnished by the petitioner is 0.99% below the tender rate. Relying on the Government Resolution dated 12.02.2016, and Corrigendum issued on 17.03.2016, it is contended that since the tender offer is below 1% of the estimated tender rate, it is not obligatory to furnish Additional Security Deposit.

4. The learned counsel appearing for the respondents places on record Government Resolution dated 12.04.2017. Clause 4.6.2 of the aforesaid Government Resolution mandates payment of security deposit at 1% in respect of the rates quoted by the contractor upto 10% below the tender rate. It is further pointed out by the learned counsel appearing for the respondents that the policy prescribed under the aforesaid Government Resolution dated 12.02.2016 including Government Resolution dated 12.04.2017, is not applicable to the Warehousing Corporation and as such scrutiny of tenders has to be made in accordance with terms and conditions mentioned in the Tender Notice.

5. In view of above, the objection raised by the petitioner in the instant petition is not sustainable. Petition is devoid of substance, hence stands rejected.

(K.K.SONAWANE)
JUDGE

(R.M.BORDE)
JUDGE

SPT