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

WRIT PETITION NO.9985 OF 2017

Arjun s/o Bhanji Parmar ... PETITIONER

VERSUS

Maharashtra State Power Generation
Co. Ltd., Parli Thermal Powr Station
and another ... RESPONDENTS

.....
Shri Sachin S. Deshmukh, Advocate for petitioner
Shri A.M. Gaikwad, Advocate for respondent No.1.
.....

CORAM: R.M. BORDE AND
 A.M. DHAVAL, JJ.

DATED : 2nd July, 2018.

ORAL ORDER :

1. The petitioner is objecting to award of tender in favour of respondent No.2 Contractor. The petitioner claims that the respondent No.2 does not fulfill the mandatory qualifying requirements and as such, is not eligible to participate in the tender process. The petitioner has invited our attention to clause 1.3 of Section 3 of the tender document, which defines similar work to mean 'Maintenance of Rail Track in State/ Central/ PSU'. Clause 1.2 of Section 3 of the tender document prescribes that a tenderer shall have experience of having successfully completed similar works during last seven years ending last day of month previous to the one in which applications are invited. The counsel has invited our

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attention to completion certificates annexed to the tender document by the respondent No.2. The completion certificates are in respect of (a) Outsourcing maintenance of new assets in VR carshed for a period of two years; (b) Churchgate – Virar Section – Demolition of unauthorized hutments, structures in connection with encroachments; (c) Repairs of minor bridges under ADEN(T/S)PL Section.

2. The counsel appearing for the respondent states that, the aforesaid work classified as "C" comes within the definition of the similar work since repairs of minor bridges / rail bridges relates to maintenance of the rail track.

3. Without going into the explanation tendered by the respondents, an another aspect needs to be taken into account is that, the bid offered by respondent No.2 is financially competitive and secondly, the work order has already been issued in favour of respondent No.2 and the said Contractor has undertaken the work since last one year. Considering these aspects, at this stage, no fruitful purpose would be served in entertaining the petition. Writ Petition, therefore, stands rejected.

(A.M. DHAVALA)
JUDGE

(R.M. BORDE)
JUDGE

fmp/