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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 20184 OF 2018

Rajgad Constructions ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Sumit S. Kothari, for the Petitioner.

Mr. A. I. Patel, AGP for the Respondent - State.

CORAM : R. M. BORDE &
V. M. DESHPANDE, JJ.

DATE : AUGUST 2, 2018

PC :-

1. Petitioner is objecting to the decision taken by the Respondent No. 2 holding that Petitioner failed to clarify the eligibility criteria No. (4.4.B)(i), at the stage of scrutiny of the technical bids. It is stated in the impugned communication that the Petitioner does not hold the mandatory requirement laid down under the tender conditions, prescribed by the respondent. It is contention of the Petitioner that G. R. dated 19th September, 2017 issued by the Government of Maharashtra, Public Works

Department does not provide for such a stipulation and in view of the aforesaid policy of the State Government, the Petitioner ought to have been declared qualified to participate in the tender process. It is the contention of the Respondent that the policy framed by the Government of Maharashtra, Public Works Department is not applicable in respect of the tender process. The works are undertaken under the Mukhyamantri Gram Sadak Yojna. It is informed that separate manual prepared prescribing the modalities of the work under the aforesaid scheme is applicable and policy prescribed by the PWD is not relevant for processing the tender under the Mukhmantri Gram Sadak Yojna.

2. Affidavit-in-reply has been tendered on behalf of the Respondent, clarifying the procedure prescribed for processing the tender in respect of the works under the Mukhmantri Gram Sadak Yojna.

3. In an identical matter, decided in Writ Petition 3686 of 2018 decided on 18th April, 2018 by the Division Bench At Aurangabad challenging such decision of government

has been turned down. Learned counsel for the Petitioner states that the judgment delivered at Aurangabad does not refer to the policy prescribed by the PWD. However, it must be noted that such an argument was advanced in the aforesaid petition and the necessary affidavit raising objections were also placed on record. It must be noted that one of us (Shri R. M. Borde, J.) was member of the Bench, which has dealt with the matter at Aurangabad. For the reasons recorded as above, as well as in view of the decision of the Division Bench at Aurangabad in the judgment referred above, the petition seeking to quash and set aside the impugned decision taken by the Respondent No. 2 does not deserve consideration. Writ petition being devoid of merits, stands rejected. No costs.

Sd/-
[V. M. DESHPANDE, J.]

Sd/-
[R. M. BORDE, J.]

Vinayak Halemath