**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 2927/2018.**
Nikhil Devendra Junghare.
-**VERSUS-**
Zilla Parishad, Amravati and others.
**WRIT PETITION NO. 2928/2018.**
Pragati Majoor Kamgar Sahakari Sanstha.
-**VERSUS-**
Zilla Parishad, Amravati and others.

| Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Orders |
|---|---|

**CORAM : B.P. DHARMADHIKARI & M. G. GIRATKAR, JJ.**

**DATE : SEPTEMBER 10, 2018.**

Heard Shri S.D. Chande, learned Counsel for petitioners, Shri S.D. Chopde, learned Counsel for respondent nos. 1 and 2 and Shri D. Khushlani, learned Counsel for respondent nos. 3 to 6, for some time.

2. After hearing the respective Counsel in first half, we adjourned the matters to second half to enable them to assist us more effectively.

3. Question to be looked into is already

formulated by us in order dated 27.08.2018.

4. Here, petitioners have given additional performance security deposit for the estimated value and not for the tendered cost. Tendered cost consisted of estimate value (+) plus GST payable on it. The petitioners have determined the proportionate difference between their offers and estimated cost and then calculated the amount of APSD at 1% on it. They have therefore not added proportionate GST factor and respondents therefore have refused to look into their financial bid.

5. According to respondents, tendered work is already practically over. Petitioners dispute this.

6. On record we are unable to get the conditions in NIT which points out the mode and manner in which the tender documents need to be appreciated by the Tender Opening Authority and discretion with it, in the matter.

7. If there are any errors, whether power for rectification is prescribed or not, is the issue. No such documents are made available to us. Infact Clause 4.6 of NIT was required to be searched out by this court during hearing.

8. Our attention has been invited to orders dated 20.06.2018 in Writ Petition No.2897/2018. There issue was identical. This Court has found no substance in the challenge then raised. It has found in paragraph no.7 that material on record was insufficient to reach any conclusion. Here again we reiterate the same.

9. Hence, we reject both the Writ Petitions. No cost.

**JUDGE** **JUDGE**

Rgd.