IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

15 WRIT PETITION NO.236 OF 2019

DEVYANI BAHUUDDESHIYA MAHILA SANSTHA THROUGH PRESIDENT
SUNDARBAI SAKHARAM PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Petitioner : Shri Bora Satyajit S.
AGP for Respondent nos.1 & 2 : Shri S.P. Sonpawale

CORAM: NARESH H. PATIL, CJ &
V.M. DESHPANDE, J.

DATE: 25.03.2019

PER COURT :

1] The petitioner participated in the tender bid to supply meal to Bhusawal Prison. The petitioner's technical bid was rejected and, therefore, he could not participate further.

2] Learned counsel for the petitioner submits that the tender process got completed and work order has been issued The learned counsel submits that the authorities concerned ought to have given some reasoning as to why petitioner's tender bid was rejected.

3] In the affidavit in reply, copy of which is supplied to the learned counsel for the petitioner, the respondent no.2 states in paragraph nos.4 to 6 as under:-

> “4] I say and submit that total seven persons have participated in the process and out of that, six members were having all the documents as per the terms and conditions of the E-Tender but the present petitioner has not submitted the documents i.e. no dues certificate of Sales Tax Department till – 2017. I say that instead of submitting no dues certificate of Sales Tax Department, the petitioner has submitted GST Certificate which is at page no.22 of the petition.
>
> 5] I say and submit that the petitioner ought to have remained present on day of opening of bid and the petitioner ought to have taken objection at the time of opening of the bid but the petitioner has not taken any objection.
>
> 6] I say and submit that the Committee was constituted of four members for opening bid and to scrutinize all the documents and in view of the documents submitted by the petitioner it was found that the petitioner is not having no dues certificate of Sales Tax Department till 2017 and hence the Committee has rightly rejected E-Tender of the present petitioner. The copy of the decision dated 20.12.2018 of Committee is annexed herewith and marked as

EXHIBIT R-1.”

4] Learned counsel for the petitioner submits that in fact after the introduction of GST regime, the certificate was submitted from the concerned authority.

5] The respondent no.2 in the affidavit states that the required certificates were issued in other cases by the Assistant Commissioner of State Tax under the Maharashtra Value Added Tax Act, 2002, whereas the petitioner failed to submit such certificate.

5] In view of the reply submitted by the respondent no.2 and more particularly the fact that the work order has been already issued, we are not inclined to entertain the petition. The petition is dismissed. No costs.

(V.M. DESHPANDE, J.) **CHIEF JUSTICE**