

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 527 OF 2019

WITH

CA/2817/2019 IN WP/527/2019

KALYAN NIVRUTI JAGTAP AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Khade Kishor D.

AGP for Respondents : Mr. K. N. Lokhande

...

CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 14th AUGUST, 2019

PER COURT:

1. Mr. Khade, learned counsel for the petitioners submit that the order dated 30.12.2018 passed by respondent no. 3 allotting the tender for transporting the drinking water in Ahmednagar district for a period 01.01.2019 to 31.12.2019 is illegal, arbitrary. The terms and conditions have been flouted by the respondent. The rates are more than the minimum rates prescribed in the tender. The terms of the document were changed at the

request of some of the bidders. The petitioners did not get the proper opportunity to submit the bid. The illegality cannot be allowed to be perpetuated. The learned counsel relies on the Judgment of the Apex Court in case of **Ramana Dayaram Shetty Vs. The International Airport Authority of India and others** reported in **AIR 1979 SC 1628**.

2. We have heard the learned counsel for the petitioners and the learned A.G.P. for the respondents.

3. There cannot be any dispute in the proposition that the State cannot accept the tender of a person who does not fulfill the terms of the tender. The requirement of the certificate from the Road Transport Officer was relaxed and for the said purpose corrigendum was issued on 29.11.2018 and the last date was 04.12.2018.

4. The petitioners had ample time in view of the corrigendum. The affidavit is filed by the

respondent that vide the Government Resolution dated 19.12.2018, the minimum rates are modified as mentioned in the Government Resolution dated 30.04.2012. The affidavit states that the guidelines under Government Resolution dated 19.12.2018 were considered and also the dire need of supply of water was in the minds of the authorities. The maximum rates were fixed. The tender is allotted to the bidder who has quoted the most competitive rates.

5. Only 4½ months have remained for completion of the tender work.

6. In the light of above, we are not inclined to interfere at this stage. Writ Petition is disposed of. No costs.

7. In view of disposal of the writ petition, the civil application also stands disposed of.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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