IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
910 WRIT PETITION NO.8683 OF 2018

M/S SAIBHUMI CONSTRUCTION CHALISGAON THROUGH PARTNER MANOJ SAHEBRAO SOLANKE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

…

Mr. P. N. Nagargoje h/f Mr. Dhananjay B. Thoke, Advocate for the Petitioner.
Mr. S. B. Pulkundwar, AGP for Respondents-State.
Mr. Maheshkumar S. Sonawane, Advocate for Respondent Nos.2 and 3.
Mr. Umesh Gite h/f Mr. Mahesh S. Deshmukh, Advocates for Respondent No.4.

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CORAM : S. V. GANGAPURWALA &
A. M. DHAVALE, JJ.
DATED : 02nd APRIL, 2019.

PER COURT:-

1. The tender allotted in favour of respondent no.4 is assailed in the present petition. The petitioner, respondent no.4 and others participated in the tender process pursuant to the E-Tender flouted by respondent no.2 for work on Nhave Domne Water Supply Scheme at Taluka Chalisgaon, District Jalgaon. Respondent no.4 was found to be the lowest bidder. He was allotted the work order on 18.10.2018.

2. The learned counsel for the petitioner submits that respondent no.4 did not possess the GST registration certificate, as such he was disqualified from bidding in the tender. His technical bid ought not to have been opened. The

respondent no.4 had filled in the tender on the letter head of the political party. Another offer of the respondent no.4 for other work was rejected by respondent no.2 on the ground that the offer is submitted on the letter head of political party. However, respondent no.2 in the present tender process allotted the work order to respondent no.4 under political pressure. The mandatory conditions are not followed. The respondent no.4 being ineligible could not have been considered in the bidding process.

4. Mr. Sonawane, learned counsel for respondent nos.2 and 3 submits that respondent no.4 had applied for registration under GST on 1.07.2017 and was also issued with the registration certificate on 28.07.2018. The period of validity of the said certificate is from 1.07.2017.

5. We have considered the submissions canvassed by the learned counsel for the respective parties.

6. The main ground of challenge to the acceptance of the tender of respondent no.4 is that respondent no.4 did not possess with him the GST certificate. The GST certificate is issued in favour of the petitioner and the same is annexed with affidavit-in-reply filed by respondent no.2. The date of issue of certificate is 28.07.2018. The period of validity is from 01.07.2017 onwards. As on the date of filling in the tender and

allotment of work order the respondent no.4 possessed the GST registration certificate.

7. It has been sworn on oath by respondent nos.2 and 3 that the respondent no.4 was the lowest bid. The petitioner had quoted price of Rs.1,08,34,861/-. One Siddhi Vinayak Traders had quoted the amount of Rs.1,12,68,255.80/- and respondent no.4 had quoted an amount of Rs.1,00,75,337.57/-. The respondent no.4 was the lowest. The contention of the petitioner that it was upon the political pressure does not have any bearing from the facts of the case. Just even if it is assumed that, the petitioner had used the letter head of political party that would not invalidate the bid of respondent no.4.

8. It is submitted that the work order was issued to respondent no.4 and respondent no.4 has commenced work from 20.10.2018. For a brief period there was lull and again under police protection work has recommenced from 19.03.2019.

9. Considering the above, no case for interference is made out. Writ petition is dismissed. No costs.

(A. M. DHAVALE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/April-19