

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11073 OF 2019

M/s Rajlaxmi Infratech Pvt. Ltd. Through Its Director .. Petitioner

Versus

The State of Maharashtra and Another .. Respondents

Mr. S. G. Jadhavar, Advocate for Petitioner.

Mr. S. B. Yawalkar, Addl. G. P. for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 09th SEPTEMBER, 2019.

PER COURT:-

1. Mr. Jadhavar, learned Counsel submits that pursuant to the tender notice published on 25.02.2019, the petitioner had filled the form. Three persons had applied. After opening of the technical bid, one was disqualified and two qualified tenderers remained in the fray. However, the financial bid is not opened and abruptly on 23.08.2019 fresh tenders are invited. This has been done only to protect near ones. According to the learned Counsel, as per the Government Resolution dated 27.09.2018, it is only if one qualified tenderer remains after opening technical bid, then only re-tendering has to be resorted to, otherwise amongst the two valid tenderers the process has to proceed. The learned Counsel submits that the Government Resolution dated 27.09.2018 is also not adhered to.

2. Mr. Yawalkar, learned Addl. G. P. submits that the fresh e-tender notice

was issued. The sealed tenders were invited from 23.08.2019 till 31.08.2019. The technical bids are opened on 04.09.2019.

3. The petitioner did not get vested right to get the work. It's financial bids were also never opened. Two valid bidders remained in the fray after opening the technical bid. The guidelines referred to by the petitioner of the Government Resolution dated 27.09.2018 would not inure to the benefit of the petitioner. The said guidelines are only with regard to the further process to be undertaken if only one valid tenderer remained in fray, after opening the technical bid.

4. Moreover, till the last date of accepting the bids as per the fresh tender, the petitioner did not assail the said tender. It is only on 31.08.2019 the petition is filed and the circulation note is given on 05.09.2019 i.e. after the date for opening of the technical bid was over.

5. The petitioner had an opportunity to participate in the fresh tender process. The petitioner, as, did not get vested right, the grievance of the petitioner cannot be entertained.

6. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.