

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

WRIT PETITION NO. 13886 OF 2019

M/s Abhishek Construction Contractor
Through its Proprietor .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D. R. Korde, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.
DATE : 18TH NOVEMBER, 2019.**

FINAL ORDER :

. Mr. Korde, the learned advocate for the petitioner submits that, guidelines issued pursuant to the circular dated 04.07.2019 by the Maharashtra Industrial Development Corporation are not complied by the respondent No. 6. The experience has to be in the similar single work. The respondent No. 6 is not possessing the experience in the single work for which tender was issued. On that count, the respondent No. 6 was not qualified.

2. As per the terms and conditions of the eligibility criteria of the tender notice, the tenderer shall be registered civil contractor in Class V and above with the PWD, Govt. of Maharashtra, MES, CPWD, Railways, MJP, CIDCO and having experience of single maintenance and repairs work not less than Rs. 21,16,757/-. The

petitioner participated in the tender process on the basis of terms and conditions enumerated in the tender. The technical bids were opened. Thereafter financial bids were opened. After unsuccessful in the tender process, now the petitioner is challenging the terms of the tender.

3. It is trite that, once having participated in the tender process, the person cannot be allowed to assail the same after his failure in the tender process.

4. In the light of the above, the writ petition is dismissed. No costs.

[AVINASH G. GHAROTE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 19