

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

106 WRIT PETITION NO.9169 OF 2019

MARK INFRACITY DEVELOPERS PVT LTD THROUGH ITS DIRECTOR SANJAY
LAXMAN DOKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr Thombre S. S.
AGP for Respondents State: Mr S. G. Karlekar
Advocate for Respondent No.4 : Mr. Ankush N. Nargargoje

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 20th January, 2020

ORDER:

1. Technical Bid of the petitioner is rejected on the sole ground that of "less bid capacity". Formula is given in the tender documents about the bid capacity. There are words against words. On what basis the authority has arrived at the conclusion of the petitioner not possessing bid capacity is not clear from the order though affidavit and counter affidavits are filed in the present writ petition.
2. The petitioner company came into existence in August, 2016. In view of that the petitioner's bid capacity will have to be considered for the work done and the work in hand on and from August, 2016.
3. There are documents placed on record to show about work in hand so also the work completed. Same is required to be considered by the Authorities. They would be experts in the same

4. To the extent of petitioner, we set aside the impugned order rejecting the technical bid of the petitioner on the ground of less bid capacity. The authority shall reconsider the bid capacity of the petitioner. The same shall be done within a period of 15 days. The petitioner and the respondents may appear before the authority on Friday, 24th January, 2020. The respondents may proceed further with the tender process after the decision regarding tender of the petitioner vis-a-vis bid capacity.
5. The learned A.P.P. shall communicate the same to the authority.
6. Writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC